

# JUVENILE JUSTICE HANDBOOK

Prepared and Distributed by the:

Yolo County Probation Department

and the

Yolo County Juvenile Justice/  
Delinquency Prevention Commission

*First Edition April, 2006*

*Second Edition April, 2007*

*Third Edition April, 2008*

*We, the members of The Yolo County Juvenile Justice/Delinquency Prevention Commission, hope you, the young people of Yolo 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. 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.*

*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.*

*“Juvenile Justice Handbook” is intended to answer many questions posed by Yolo 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.*

*The Yolo County Juvenile Justice/Delinquency Prevention Commission is grateful to the Placer County Juvenile Justice /Delinquency Prevention Commission for bringing their Juvenile Justice Handbook to our attention, and for graciously allowing us to use it as a basis for this handbook. The Commission also is grateful to the Yolo County Probation Department Chief Probation Officer Don L. Meyer for all his help in bringing this project to fruition.*

*The Yolo County Juvenile Justice/Delinquency Prevention Commission*

*Dorothy Montgomery, Chair*

*Richard Bagby*

*Carolyn Reiff*

*Ed Hensley*

*Jean Risley*

*Sharla Cheney*

*Charlotte Beal, Vice Chair*

*Stephen Ramirez-Palmer*

*Gloria Valencia*

*Michael E. Owen*

*Carol Davis*

## KEY TO CODE ABBREVIATIONS

BPC	=	Business and Professions Code
CAC	=	California Administration Code
CC	=	Civil Code
EC	=	Education Code
FGC	=	Fish and Game Code
FL	=	Family Law Code
HSC	=	Health and Safety Code
LC	=	Labor Code
PC	=	Penal Code
YCC	=	Yolo County Code
USC	=	United States Code
USPL	=	United States Public Law
VC	=	Vehicle Code
WIC	=	Welfare and Institutions Code

## OTHER ABBREVIATIONS

CPS	=	Child Protective Services
DESS	=	Department of Social Services
DJJ	=	California Department of Corrections – Division of Juvenile Justice
YCCP	=	Yolo County Conservation Partnership

## Table of Contents

THE JUVENILE JUSTICE SYSTEM.....	1
Major Components of the Juvenile Justice System.....	1
Categories of Juvenile Cases .....	1
How the System Works: Illegal Activity .....	1
Arrest/Citation by Police.....	1
Review of Case by Probation and District Attorney.....	2
Juvenile Court.....	3
Disposition Measures.....	5
Length of Jurisdiction of the Juvenile Court.....	7
Juvenile Cases Heard in Adult Court.....	8
Juvenile Traffic Court.....	9
Sealing of Juvenile Records .....	9
Juvenile Diversion.....	9
How the System Works: Beyond Control Child.....	10
How the System Works: Children as Victims .....	10
Family Maintenance Agreements .....	11
Juvenile Court Proceedings.....	11
Treatment Plans.....	13
FAMILY LAW.....	14
Emancipation.....	14
Marriage .....	14
Curfew .....	15
Parents' Rights and Duties.....	15
CRIMES .....	16
Guns and Other Weapons.....	17
Basic Crimes .....	19
Gangs and Gang Membership .....	24
Parties.....	25
Alcohol.....	25
DRUGS AND NARCOTICS .....	27
Tobacco.....	28
SCHOOL .....	28
Responsibilities.....	28
Truancy.....	30
Suspension and Expulsion .....	31
What Is Suspension? .....	31
What Is Expulsion? .....	31
What Is Good Cause? .....	32
TORTS AND CONTRACTS.....	33
Torts .....	33
Contracts .....	35
TRANSPORTATION.....	36

Bicycles .....	36
Motor Vehicles.....	37
Cruising .....	40
Driver's License .....	40
Alcohol, Drugs, And Your Driver's License .....	41
Pedestrians.....	41
Hitchhiking .....	42
Boating Regulations .....	42
ADDITIONAL LAWS PERTAINING TO MINORS.....	43
Hunting and Fishing Licenses .....	43
Work .....	43
Your Rights as a Juvenile.....	44
Hiring a Lawyer.....	45
Mediation .....	46
How the Laws Change When You Become 18 .....	47
CALL FOR HELP .....	49
Emergency .....	49
Legal Information & Advocacy.....	49
Child Abuse & Neglect.....	50
Substance Abuse Services .....	51
Mental Health & Counseling Services .....	52
Health Services.....	53
Parent Education & Support.....	54
Translation Services .....	56
GLOSSARY.....	57

~ If you're going to follow a crowd,  
find out where they're going and write it down,  
so when you get there you've no one to blame  
but yourself. ~

# **THE JUVENILE JUSTICE SYSTEM**

## **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 Department of Social Services (DESS), the District Attorney's Office, the Public Defender's Office, and police agencies. Other agencies that may assist in juvenile cases include the Department of Alcohol Drug and Mental Health Services and the school system.

## **Categories of Juvenile Cases**

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. In Yolo County these cases are normally handled by local agencies rather than by the Probation Department or the Juvenile Court. Children who have been the subject of abuse or neglect come within section 301. These cases are handled by the Department of Social Services (DESS). Each of these three areas will be discussed in the sections that follow.

## **How the System Works: Illegal Activity**

(California Welfare & Institutions Code Section 602 type cases)

### **Arrest/Citation by Police**

The juvenile case almost always starts with a citation issued by the police or a child that 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 the 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 Yolo County Juvenile Detention Facility. The facility is a place for the temporary housing of minors. There must be a specific reason for such detention, such as committing an illegal act, or violating a term of probation. Once taken to the facility, the child will be fingerprinted, photographed, and the parents will be notified of the

arrest. After the intake officer has had opportunity to review the minor's record, if any, the circumstances of the crime, and has 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 detention at the Juvenile Detention Facility, 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, a period of community service, and closure of the file or informal probation without court action.

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

**2. Referral to the District Attorney:** Certain cases are unsuitable for informal handling and require referral to the District Attorney with a request for initiating action in the Juvenile Court. More serious crimes such as burglary or robbery rarely will be handled informally regardless of the age of the person charged with these kinds of offenses. If the charge is a felony (the most serious category of crimes) and the minor is 14 or older, the law requires the probation officer to refer the case to the District Attorney. Mandatory referral is also required when the child has had a prior crime handled informally.

When cases are referred to the District Attorney for review and action, the deputy district attorney assigned to Juvenile Court will review the police reports to determine whether a crime has been committed and whether it is likely in a court of law that this minor could be found responsible for committing that crime. Additional investigation can be requested if needed. If the District Attorney determines that no crime has been committed, or the case cannot be proved, the office for further action declines the case and the case is closed. If it is determined that the minor has committed a crime, the District Attorney prepares a charging document or "petition on the minor's behalf" to declare the minor a ward of the Juvenile Court. The petition will include a statement of the charges against the minor.

## **Juvenile Court**

The Juvenile Court process can be divided into three main stages: a detention hearing (to determine if the minor stays in custody during the Juvenile Court process); a jurisdiction hearing (to determine if the minor committed the crimes charged against him and thereby establish that the Court has legal jurisdiction over the minor); a disposition hearing (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 Hearing:** If a minor has been taken to the Juvenile Detention Facility by the police, and the Probation Department has determined that it would not be proper to release the minor to his parents, the law requires that within 72 hours of the minor's arrest (not 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 be released to his parents. The determination of probable cause is called an "Alfredo Hearing."

The arresting officer must prepare a concise written statement of the probable cause for taking the minor into custody. This probable cause summary must be provided to the juvenile probation officer within 24 hours of the initial detention, when the minor is taken into custody at the Juvenile detention facility. The probation officer must contact the on-call judicial officer and convey the information that supports probable cause for further detention. The judicial officer evaluates the evidence presented and orders the juvenile either detained or released. Welfare and Institutions Code section 628 lists seven conditions; one or more of which must be found to exist in order to warrant further detention of the minor.

The minor will be transported to the court hearing from the juvenile detention facility. 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 legal 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.

If the minor or his/her parents cannot afford to hire an attorney the court appoints legal counsel, usually the Public Defender. Since the Public Defender has a regularly assigned attorney for Juvenile Court, the minor will

receive immediate representation at the detention hearing. Appointing an attorney to represent the parents of the minor is not required. The parents may hire their own attorney if they wish, but the court is not required to pay for counsel for the minor's parents. 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 also will be given an opportunity to comment on what should happen to the minor's custody status. After hearing and considering 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 during the court process.

**2. Jurisdiction Hearing:** A jurisdiction hearing has three phases: 1. Initial arraignment. 2. Trial readiness conference and 3. 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 this arraignment hearing, the court advises the minor of his/her rights and the charges pending, and appoints an attorney, in the same manner as the first part of the detention hearing discussed above.

The court may also set the matter for a trial readiness conference. The minor's attorney, the District Attorney, a probation officer and the Juvenile Court judge attend the conference. The minor is required to appear at the court, but does not initially participate in the conference. The minor's case is discussed in terms of the evidence the prosecution has in support of the charges, the defense evidence of innocence or mitigating circumstances, and the past record of the minor. In the 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 but 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 proven. Proof of guilt must be beyond a reasonable doubt. The burden to establish guilt is placed on the People, as represented by the District Attorney.

Second, unlike adult trials that are always open to the public, juvenile cases are normally closed to the public. 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/her 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, s/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 might 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 Hearing:** The final stage of the juvenile process is the disposition hearing, held only if the court has determined it has jurisdiction over the minor in that the minor committed an illegal act. This finding of guilt is usually a result of the minor's admission, but it could have come after court 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 conducts an extensive investigation and prepares a written report. The report contains: a brief statement of the offense; the minor's record; report from the school; a social history of the family; sections with comments from the victim, the minor, the minor's parents, and anyone else with relevant information such as an employer or relative. The officer also makes a dispositional recommendation. The court is required to adopt a disposition that is the least restrictive or intrusive into the family that will result in the rehabilitation of the minor and the prevention of further criminal activity.

### **Disposition Measures**

**A. Informal probation:** The lowest level of intervention is informal probation. Under this approach, the court simply refers the minor back to the Probation Department for informal handling and supervision. 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 up to six months. If the minor re-offends during the period of informal probation, not only will he be returned to court on the new violation, but also on the case that was referred for informal handling.

**B. Wardship with the minor placed on probation in his home:** The majority of cases results in the minor being declared a ward of the court, but returned to the home on terms of probation and under the supervision of the probation officer. 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, completion of a period of community service, non-association with people deemed inappropriate by the Probation Department or parent, and restrictions on gang related activity. If damages have been caused to the victim, monetary restitution will be required. The court also imposes a number of punitive and rehabilitative measures such as fines, work project hours, community service hours or juvenile hall time.

**C. Juvenile Drug Court and Intervention Program:** This program is for teens that have significant drug/alcohol abuse problems. They participate in group and individual drug treatment counseling sessions. Participants are drug tested frequently and attend court reviews every two weeks to assess progress. Punishment is imposed if the tests show the use of drugs, or if the teen misses treatment, is truant or has other program violations.

**D. The Yolo County Conservation Partnership (YCCP):** The YCCP is a cooperative effort lead by the Probation Department and involving several partners: Yolo County Department of Alcohol Drug and Mental Health Services. Yolo County Department of Planning, Resources and Public Works; Yolo County Office Of Education. This is a work/learn program. Outcomes have shown that young people who are given daily positive learning skills coupled with positive role models, who provide clear expectations and responsive consequences, are able to overcome previous anti-social behavior. Participation in the YCCP program allows 30 minors annually who would otherwise be placed in an out-of-home placement, so instead remain in the community.

**E. Juvenile Violence Court and Intervention Program:** This program targets approximately 30 youth annually, ages 12-17, who have active cases in the juvenile justice system and whose offenses involve violence and/or whose case plans underline the need for increased anger management.

Participants are engaged in a highly structured program that includes intensive probation monitoring/supervision, regular court appearances, anger management counseling as well as alcohol, drug and mental health assessment and treatment. In addition, parenting classes and family outreach services are provided to minors' parents.

**F. Wardship with the minor placed out of the parental home:** In certain instances the court determines that the minor has issues 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 residential treatment or group home specializing in these problems may be selected. Residential treatment placements are generally a minimum of six months.

**G. Boot Camp Placement:** The Boot Camp programs generally are a minimum of six months and may last up to a year or more. For those minors who have been unsuccessful on probation, the court utilizes several "boot camp" type programs for intensive behavior modification. All of the programs have strict conduct requirements and are based on a highly structured regimen of activity. . The Yolo County Probation Department refers minors that are court eligible to Fouts Springs and Crystal Creek boot camps.

Privileges are given students who work effectively in the programs; consequences are imposed for inappropriate behavior. After graduation from the programs, and return to the community, the minor is continued under the supervision of the probation officer, for a time, on aftercare to assure compliance with the law and a stable family situation.

**H. California Department of Corrections and Rehabilitation - Division of Juvenile Justice:** If all of the previous efforts fail, or if the initial presenting situation requires the highest level of intervention available, the placement option available to the court is the California Department of Corrections and Rehabilitation - Division of Juvenile Justice. The Division 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 and last for a few months or up to several years, up to the maximum confinement time that could have been imposed on an adult for a similar crime.

### **Length of Jurisdiction of the Juvenile Court**

The Juvenile Court has jurisdiction over a minor until age 21, or in certain more serious cases, committed to the Department of Juvenile Justice until age 25. If a minor performs well on probation, however, the Probation Department may request the court end jurisdiction earlier.

### **Juvenile Cases Heard in Adult Court**

Under certain circumstances crimes committed by juveniles will be

prosecuted in adult court. Historically, the prosecution of juvenile cases in adult court required prior approval of the juvenile court. It was necessary for the district attorney to show that either because of the nature of the crime or the minor's background, the case was no longer appropriate for juvenile court.

On March 7, 2000, California voters enacted Proposition 21. This law has dramatically changed the way serious juvenile cases are prosecuted. The law divides serious juvenile crimes into three broad categories: (1) crimes that must be filed directly in adult court without prior court approval; (2) crimes where the district attorney may file cases directly in adult court without prior court approval; and (3) crimes where the court may transfer cases from juvenile court to adult court.

- A. Crimes that must be filed in adult court when the minor is at least 14 years old include first-degree murder committed with special circumstances and certain violent sex crimes.
- B. Crimes that may be filed directly in adult court, solely within the district attorney's discretion, include any felony listed in Welfare and Institutions Code section W&I § 707(b) if committed when the minor is at least 16 years old. Section 707(b) contains a list of the more serious kinds of crimes such as robbery, rape, assault with a firearm, and many sex crimes. The district attorney also may file directly in adult court where the minor is at least 14 years old, and commits any crime normally punishable by life in prison or death, or any crime committed with the use of a firearm, or commits a current crime listed in section 707(b) and has committed a prior crime under § 707(b).
- C. The Juvenile Court may find a juvenile unfit for juvenile treatment following a fitness hearing pursuant to Welfare and Institutions Code section 707. If a juvenile commits an offense listed in Welfare and Institutions Code section 707(b), the minor is presumed unfit for juvenile treatment. The juvenile has the burden to prove that he or she is fit based on five criteria. A juvenile who is 16 years of age or older is presumed unfit for juvenile court treatment if the minor is alleged to have committed any felony; and the minor has two or more prior felony findings for offenses committed when the minor was 14 years or older. WIC § 707(A)(2).

If a case is heard in adult court, the trial is run the same as any other adult case. The trial is open to the public, there is the right to a jury trial, and the minor is entitled to bail. If the minor is convicted, he or she initially may be housed in a juvenile facility such as juvenile hall or the juvenile detention facility.

### **Juvenile Traffic Court**

Minors who are charged with traffic offenses will be required to appear in the Traffic Court with a parent before a Traffic Hearing Commissioner. 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 (WIC 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/her record after the minor has reached 18 or has been off probation for at least five years. The sealing is not automatic. The minor is required to show that s/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 s/he is now conducting his life.

This procedure has been designed to allow the person who has made a mistake as a minor, but who has straightened up his/her life to avoid having the problem tail him into his adult life.

There are a number of restrictions on the right to request a record seal. The provisions allowing sealing, for example, do not apply to most Vehicle Code violations. Under many circumstances law enforcement may access the sealed records if necessary to show that the minor had a prior conviction for the purposes of statutes such as the "Three Strikes Law."

The process for sealing juvenile records is not available for traffic offenses on the DMV record, nor for any of the serious crimes listed in WIC section 707(b).

### **Juvenile Diversion**

Juvenile Diversion is a program for first-time juvenile offenders. The provision for this program is Section 626 (B) of the Welfare and Institutions Code. The local police departments administer this voluntary program. Instead of entering the offender into the court system, appropriate alternative action is taken at the local level. The offender may be required to attend counseling sessions, to report at regular intervals to the diversion officer of the local police department, to perform community service, or to compensate in some way for his or her crime.

## **How the System Works: Beyond Control Child**

(WIC Section 601 Cases)

Minors who are not committing crimes and who are not the victims of abuse or neglect, but who are beyond the control of their parents or are habitually truant come within the provisions of section 601 of the Juvenile Court Law. In Yolo County these cases are normally handled by local agencies rather than by the Probation Department or the Juvenile Court. For instance, runaway children are handled by the local Police Departments, while truancy problems are handled by the local school districts through the school truancy office or through a School Attendance Review Board (S.A.R.B.).

For parents who need help in controlling their children, many avenues of assistance are available in Yolo County. A listing of over 100 agencies, with their phone numbers, is given in the "Call for Help" section of this booklet. These agencies all deal with some aspect of the problems facing our youth today.

## **How the System Works: Children as Victims**

(WIC Section 300 Cases)

Children who become the victims of abuse or neglect come within the provisions of WIC section 300 and are under the supervision of the Department of Employment and Social Services (DESS). 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 (CPS) division of the Department of Social Services 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. DESS 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, DESS 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, DESS 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 DESS where the parents agree to do certain things, such as obtain counseling.

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, DESS may move the case into the next level of intervention.

## Juvenile Court Proceedings

If DESS 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 Hearing:** If DESS 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, with a suitable relative or in a temporary children’s shelter. Situations of detention can arise with emotional, physical or sexual abuse of the child; abandonment of the child by the parents without means of adequate care or support; or even risk to a child because of reported abuse of a brother or sister.

If a child is detained, the law requires that the matter be brought to the attention of the Juvenile Court within 48 hours (excluding weekends and holidays) for a detention hearing. 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 DESS, an attorney representing DESS, and the parents. The child may attend the hearing if he or she so desires. 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; and the right to say nothing, and 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 or at a temporary children's shelter. Before the child can be continued in detention, the judge must find that given the circumstances of the case, reasonable efforts have been made by DESS to avoid the need to take the child out of the home.

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

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

The pre-trial conference is held within a few weeks of the first appearance. The conference is attended by the attorneys for the parents and child, DESS and the judge. The case is first discussed informally without the parents or child being in the courtroom. Most cases resolve at this conference where everyone can come to an agreement as to the nature of the problem in the family. It is important to emphasize that 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. DESS has the obligation to call witnesses sufficient to establish the truth of the charges in the petition. The parents have an opportunity to present any evidence or witnesses that they feel helps their case. If DESS 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 Hearing:** 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 DESS 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.

## **Treatment Plans**

**A. Family Maintenance:** The court has the discretion to send the matter back to DESS for informal handling through a family maintenance agreement discussed above.

**B. Dependency:** In most cases the court establishes some form of formal dependency with the child in the home of the parent, with a relative or in a foster home. If the child remains in the home, the court will order that the parents participate in various services 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 that is designed to provide services to bring the family back together. If a child has severe emotional or substance abuse problems, the minor may be placed in a group home specializing in the treatment of these problems.

If 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. If the child remains out of the home for 18 months, the court must adopt a permanent plan for the care of the child. The permanent plan can be long-term foster care. Such an approach is taken where there is no hope of reunification and there are no immediate relatives willing or able to assume care of the child. The plan can be for guardianship. This approach is used where the child cannot go back with a parent, but there are relatives or other persons willing to assume the parental role on behalf of the child. The parents frequently maintain a somewhat distant role in the child's life. The final alternative is a termination of the parent-child relationship and the placement of the child for adoption with a new family. This alternative is used most frequently in cases involving very young children.

## **FAMILY LAW**

### **Emancipation**

#### **WHEN AM I FREE FROM MY PARENTS' CONTROL?**

When you reach the age of 18, legally marry, or enter military service, 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 (FL 7002, 7050). You must attend school until the age of 18. (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 this.

1. Your parents have abandoned you for a period of 6 months or more.
2. Your parents have been shown to be under a disability due to alcohol or drugs, or mental illness.
3. Your parents have been convicted of a felony and also have been shown to be unfit as a parent.
4. You have been cared for in a foster home for one year (FL 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 Yolo 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 consent or agreement.
3. You have a legal source of income (FL 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.

## **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 18<sup>th</sup> birthday. There are exceptions such as your marriage, military service, 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 that 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 seriously injure you when punishing you. (FL 7507; PC 273a,d)

**DO I HAVE TO LIVE WHERE MY PARENTS SAY?**

Yes, you do. They have the legal right (FL 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 (FL 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 (FL 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)

**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:

**FELONIES** are the most serious crimes and can result in commitment to a state institution such as state prison for more than one year and up to life. Minors age 14 and older can be tried in the Adult Court System, if they have committed certain serious and/or violent felonies.

**MISDEMEANORS** are less serious crimes that cannot result in confinement in a state institution or state prison, but result in commitment to the county jail or other place of local confinement for a period not to exceed one year. Most misdemeanors have a maximum confinement period of six (6) months.

**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.

**GENERAL COMMENT**

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 Department of Corrections and Rehabilitation - Division of Juvenile Justice rather than state prison.

**JUVENILES AND THE "THREE STRIKES" LAW**

The Three Strikes law is a complex system for punishing certain repeat offenders. The law requires that persons with serious or violent prior convictions be punished more than usual offenders. If a defendant has one prior serious conviction, he or she is to receive twice the punishment normally applied to the current crime. If the defendant has two or more prior serious felony convictions, the defendant is to receive a sentence of 25 years to life.

While the provisions of the law normally apply to adults, there are two circumstances where the law will apply to juveniles. First, certain juvenile offenses qualify as “strikes.” If a juvenile commits two or more serious felonies when under 18 and then commits any other felony after reaching 18, the new felony could result in a commitment of 25 years to life! Second, Proposition 21 greatly expanded the ability of the district attorney and the courts to prosecute juvenile offenders as adults. Juvenile cases prosecuted in adult court carry the same punishment as for adults. It is possible that a juvenile, as young as age 14, can receive a sentence of 25 years to life in prison, or life without possibility of parole.

## **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. Every minor who violates this section can be taken into custody for up to three years.
  - 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 section for the first time, can be taken into custody for six months, and for a second offense, up to three years.

4. Penal Code Section 12025 prohibits the carrying of concealed firearm on your person, as well as concealed within any vehicle that 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. If the firearm is stolen, you may go to prison for 3 years.

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 six months in custody. If the firearm is stolen, the offense is punishable by up to 3 years in custody.
6. You cannot have blackjacks, slingshots, bellies, 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 12028)
7. You cannot make a blackjack or metal knuckles or carry any explosives, sawed off shotguns or multi-burst firearms. (PC 12020)
8. You cannot carry, sell, lend, or give away a switchblade knife or similar type knife, if the blade is 2 or more inches long. (PC 653K)
9. It is against the law to bring or possess any firearm, dirk, dagger, knife having a blade longer than 2 ½ inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser or stun gun, a BB gun, pellet gun or paintball 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. (PC245, 417) If you commit certain serious crimes including murder, attempted murder, armed robbery, rape with force, assault with a firearm, and discharge or 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. 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©)

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

## **Basic Crimes**

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 484-488)
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 647(f) 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 451 and 452)
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 and g)
10. Tampering with a vehicle. (VC10852)
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 602, 626)
14. Sex by any person under the age of 18 or with any person under the age

of 18 is a crime. (PC 261.5)

**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. These 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, the crime is punishable by fine of up to \$1,000 and a jail sentence of up to one year. If the damage is \$400 and more, the crime is punishable by a fine of up to \$10,000 and a state prison sentence of up to three years. If the damage is over \$10,000, the crime is punishable by a fine of up to \$50,000 and a state prison sentence of up to three years. In addition to the payment of any fine, the defendant may be ordered to pay for the repair of any of the damage to the victim's property. Your parents can be held jointly and severally liable for any victim restitution ordered by the Juvenile Court.

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 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 2, 3 or 4 years in custody. (PC 245)
4. If great bodily injury actually is inflicted, up to 5, 6 or 7 years in custody (PC 12022.7)
5. If a weapon is used, such as a knife or club, a year is added to the punishment. (PC 12022)

#### **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 9 years in prison, with lifetime registration as a convicted arsonist. (PC 451) Burning of open land may result in 16 months, 2 or 3 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 forestland may result in a fine of up to \$1,000 and 6 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 are 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.

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 sexual battery, punishable by up to 6 months 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 14 is guilty of a felony and can be punished by up to eight years in state prison. If the victim is 14 or 15 years old, and the perpetrator is ten years or 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 eighteen. 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 10 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 (PC311.3):** 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 \$2,500.00 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 3 years in state prison.

#### **SPECIAL REQUIREMENTS FOR SEX OFFENSES**

**AIDS Testing (PC 1202.1):** Every person who is convicted of rape (261), statutory rape (261.5), spousal rape (262), and oral copulation (288a) must be tested for AIDS.

#### **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. (272) It is possible that you may be arrested for any minimal assistance provided to a known criminal. e.g. If you are driving a car and a passenger in your car commits a crime, and you continue to drive that suspect from the scene of the crime, this is sufficient to constitute aiding and abetting a crime. (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, PC 148.9)

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

You are still guilty of a crime, because ignorance of the law is no defense. 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.

## **Gangs and Gang Membership**

**WHAT IS A GANG?**

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

**IS IT ILLEGAL TO BE A GANG MEMBER?**

Being identified as a member of a gang may subject a person to a higher level of prosecution for any crimes or violent acts related to gang activity. (186.22) Many new provisions of Proposition 21 make acts committed by gangs into felonies, some of which now carry life sentences.

**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 because violence may be prohibited by the school board policy. Proposition 21 limited the requirement that the prosecution prove that someone devoted all or a substantial part of his or her time or efforts to a criminal street gang, or that the prosecution prove that the dependant is a gang member. Active participation in the street gang is all that is required. (PC 186.22(i))

## **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)

## **Alcohol**

### **WHAT IS AN ALCOHOLIC BEVERAGE?**

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

### **WHEN CAN I BUY AND DRINK AN ALCOHOLIC BEVERAGE?**

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

### **WHAT IF SOMEONE SELLS OR GIVES ME AN ALCOHOLIC BEVERAGE?**

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

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

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

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

You will be breaking the law in both cases. Any person who furnishes a false identification to you will also be committing a crime. You cannot lend, borrow or alter a driver's license or other identification in any way. (BPC 25661, 25660.5; 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. (BPC 25662; VC 23224a/b)
2. Enter and remain in a bar without lawful business. (BPC 25665) Be under the influence of alcohol or drugs in a public place and in such a condition that you cannot exercise care for your safety or the safety of others. (PC 647(f)) 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. (BPC 25663a/b)

4. Drive a motor vehicle with a blood alcohol level of .01 percent or greater. The Department of Motor Vehicles can immediately suspend your driver's license if you are caught driving with a blood alcohol level of .01 or greater. (VC 13353.2)
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, 23152(a))
2. Be drunk or under the influence of drugs in public or on a public highway. (PC 647(f))
3. Drink, sell or give liquor to any person or possess liquor on any public school or school grounds. (BPC 25608)
4. Permit a minor to loiter in a place where liquor is sold and which is not operated as a restaurant. (BPC 25665)

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)

## **DRUGS AND NARCOTICS**

### **WHAT ARE SOME DANGEROUS DRUGS?**

1. Hallucinogens, including marijuana, LSD, Peyote, PCP (Angel dust) and many others.
2. Stimulants (uppers)
3. Sedatives (downers)
4. Narcotics, such as heroin, opium, morphine, and methadone. (BPC 4211, HSC 11053-58)

These drugs are illegal, except by prescription.

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

It is illegal to:

1. Use, possess, transport, sell, give away, or offer any narcotics or dangerous drugs.
2. Use, or be under the influence of dangerous drugs, unless they are prescribed by a licensed person, usually a doctor.
3. Encourage, try to sell to, or force any minor to break any of the narcotics laws.
4. Make or use a false or changed prescription
5. Plant, cultivate, harvest, dry or process marijuana or other drugs.
6. Possess any instrument or means used to inject any illegal drug.
7. Sniff glue or cement 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. (HSC 11350, 11352, 11353, 11357, 11364, 11364.5, 11365; PC 381; VC 23152)

## **Tobacco**

### **ARE THERE LAWS ABOUT TOBACCO, TOO?**

Yes, it is unlawful to sell or give any tobacco product to minors under 18 (PC 308). Students may not use or possess tobacco or tobacco products on school grounds. (EC 48900h) Students may be fined up to \$75 or thirty hours of community service for tobacco possession. PC308 (b)

## **SCHOOL**

### **DO I HAVE TO GO TO SCHOOL?**

Yes, you do. It is the responsibility of your parents or guardian to see that you go to school full-time from age 6 to 16. From age 16 to 18, you must attend 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 re-enroll 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 10<sup>th</sup> 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; 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. (BPC 25608; EC 48900, 48910; PC 308)

You cannot do anything that injures other students or school employees or damages school property. If you cause personal injury, property damage to the school, or carry a weapon, you can be suspended or expelled. In addition, 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 the contents of your locker and/or purse, and question you about suspected thefts. School personnel may search your vehicle if your conduct or the welfare of the school and other students is involved. (EC 49050, EC 49051; PC 1524(a)(3), 626.10(g))

**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 3 days or more, or are late to school more than 30 minutes on each of the 3 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 3 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 48291-93)

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 instruction. A teacher can suspend you from class 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 no 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 5 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. Districts must expel students who violate any of the following for a

period of no less than one calendar year. These are often referred to as “zero tolerance” offenses.

1. Possession of a firearm.
2. Brandishing a knife.
3. Selling drugs.
4. Sexual assault or battery.
5. Possession of an explosive device.

### **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. Disrupted 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, intimidation, or committing terrorist threat. (EC 48900.2, 48900.3, 48900.4, 48900.7)

### **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 that 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 that you and your parents must attend. A notice will be sent 10 days before the hearing. The law sets time limits for this hearing. (EC 48914, 48918) Other special procedures apply for students with disabilities.

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 that 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 school or use of a tutor. (EC 48915.2, 48917, EC 48915.1, 48916.1)

**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**

### **Torts**

**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 that 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 10 years and even beyond that if extended by the court.

**IF I AM A MINOR, WHO PAYS FOR 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 lawsuit 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 lawsuit 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 may 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.

## **Contracts**

### **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 lawsuit 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**

### **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 a policeman can stop you if you break one of the laws, and you may have to go to Juvenile Traffic Court. (VC 21200)

Riding on a bicycle - you cannot carry a passenger on the bicycle unless there is a separate seat attached for that passenger. (VC 21204)

You must keep at least one hand on the handlebars when carrying any package, bundle or article. (VC 21205)

When riding on a roadway or highway you must ride in the same direction as vehicles are required to be driven. (VC 21650.1)

#### **DO I HAVE TO HAVE A BICYCLE LICENSE?**

The State of California issues the licenses to counties and cities that 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 at 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, non-motorized scooter, skateboard or in-line skates without an approved and fastened 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, motorbikes, 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; (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 and 17 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 MOTORIZED SCOOTERS?**

California recently legalized electric scooters for helmeted drivers over the age of 16. The regulations are as follows: (VC Sections 21235, 22411)

- The operator must be at least 16 years of age.
- A Learner's Permit or valid Driver's License is required.
- No insurance, registration or license plates are required.
- The operator must properly wear a bicycle helmet (even adults).
- The operator must have at least one hand on the handlebars at all times.
- Driving under the influence is applicable on scooters.
- Scooters may not be operated at a speed greater than 15 mph.
- Scooters may not be operated on streets with a speed limit more than 25

- mph, unless it is operated in a marked bicycle lane.
- Scooters may not be operated on sidewalks.
  - The operator may not make a left turn at an intersection. The operator shall stop and dismount at the right hand side of the roadway or curb and then complete the turn by crossing the roadway on foot.
  - The handlebars must be at or below the level of the operator's shoulders.
  - The operator may not park the scooter on a sidewalk if it blocks the path of the sidewalk.
  - The operator may not attach themselves or the scooter to any other vehicle on the roadway.
  - Equipment requirements during darkness:
  - Must have a white headlight visible from 300 feet from the front and the sides.
  - Must have a red reflector on the rear of the scooter or attached to the operator of the scooter visible from 500 feet.
  - Must have a white or yellow reflector on each side visible from 200 feet in front and the rear of the scooter.
  - Must have an engine/motor kill switch that activates when released or when the brakes are applied.
  - Motor scooters shall not emit excessive noise. This usually is the result of a modified exhaust system.

#### **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.

#### **WHAT ABOUT 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)

**CAN I USE MY CELL PHONE WHEN DRIVING? (VC 23124)**

No. Effective July 1, 2008 the law prohibits a person under the age of 18 years from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device.

## **Cruising**

The city and county can prohibit cruising in posted areas and you can be given a ticket if you disobey the signs.

## **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 IS THE CALIFORNIA PROVISIONAL LICENSE LAW?**

This law restricts some driving conditions. These conditions don't apply if you have a licensed 25+ 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.

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-\$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, 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 1 year (or delayed for 1 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 may be suspended for 1 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. Pedestrians shall not cross the roadway at any place except a crosswalk between adjacent intersections. (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) Pedestrians must yield the right of way to vehicles if outside the marked crosswalk. (VC 21954)

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)

## **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 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. Any person under age 7 must wear a life vest; any boat over 8 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 available when required.

## **ADDITIONAL LAWS PERTAINING TO MINORS**

### **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. For students under 18 working 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. Independent study students must work during the same hours as regular students.

#### **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:

1. Never resist arrest, no matter how unreasonable the arrest may seem. Resisting arrest is, in itself, illegal.
2. If you are arrested and taken into custody, you will be advised of your constitutional rights. If you do not understand your rights, ask the officer

to explain them. You have the same rights as an adult. You may choose to talk to the police or you may refuse to answer their questions. If you do talk to the police, make sure that you understand the question before you answer. You should understand that anything that is said to the police might be presented in court.

3. 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.
4. If a police officer comes to your home to search the premises, and no parent or guardian is at home, politely tell the officer to come back when an adult has returned, unless he or she has a search warrant. If a police officer comes to your home to search the premises, and you are on probation, you must allow entry into your home to search the premises. A juvenile on probation waives the right to be free from warrant less searches and seizures.
5. 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 \$25 per hour to over \$200 per hour, depending on the attorney's experience and expertise. Telephone calls count, as usually 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 that 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 that drive the conflict.

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

If you have been referred to mediation by the 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, 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. 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 15-day waiting period and a criminal record check for most gun buyers.

**TOBACCO**

At age 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 18<sup>th</sup> birthday. Women are exempt.

**CALL FOR HELP**

This section is intended to give a partial listing of important telephone numbers. A more extensive list entitled "Yolo County Parent Survival Guide." is available by calling:

Yolo County Children's Alliance &  
Child Abuse Prevention Council (YCCA & CAPC) ..... 530-757-5558

**Emergency**

For any of the following:

Fire	Police	Sheriff	Highway Patrol
Ambulance	Paramedics	Coast Guard	Search and Rescue

**Call 911**

Police	
Davis.....	530-747-5400
West Sacramento.....	916-617-4900
Woodland .....	530-661-7800
Winters.....	530-795-2261
Fire	
Davis.....	530-757-5684
West Sacramento.....	916-617-4600
Woodland .....	530-661-5860
Winters.....	530-795-4131
Highway Patrol .....	530-662-4685
Yolo County Sheriff .....	530-666-8282

### **Legal Information & Advocacy**

Yolo County Court Appointed Special Advocates (CASA) .....	530-661-4200
American Civil Liberties Union, Northern California .....	530-756-1900
California Indian Legal Services .....	510-835-0284
Child Abduction, District Attorney .....	530-666-8400
Children's Rights Council of California .....	916-635-2590
Community Legal Services/Victims Resource Center .....	1-800-VICTIMS
Community Mediation Services .....	530-757-5623
Family Protection & Legal Assistance Clinic (UC Davis School of Law) .....	530-661-4477
Friends Outside .....	916-446-3838
Juvenile Division, District Attorney .....	530-666-8180
Legal Services of Northern California .....	916-551-2150
Low Income Legal Assistance .....	530-662-1065
Probation Department of Yolo County .....	530-406-5320
Public Defender .....	530-666-8165

Victim Information & Notification (VINE) .....	1-800-491-3064
Yolo County Bar Association .....	530-661-6166
Yolo County Child Support Services .....	530-661-2880
Yolo County Conservation Program (YCCP) .....	530-406-5320
Yolo County Law Library .....	530-666-8918
Yolo Superior Court	
Civil & Unified Family Court .....	530-406-6704
Family Law Facilitator .....	530-406-6792

### **Child Abuse & Neglect**

Child Abuse Reporting Line .....	530-663-2345	Toll free 1-800-400-6022
Child Abduction - District Attorney .....	530-666-8400	
Childhelp USA Child Abuse Hotline .....	1-800-4A-CHILD	
National Runaway Switchboard .....	1-800-621-4000	
Prevent child Abuse California .....	1-800-CHILDREN	916-244-1923
Sexual Assault & Domestic Violence Center (SADVC)		
Business Line .....	530-661-6336	
Crisis Line .....	530-662-1133	
West Sacramento Crisis Line .....	916-371-1907	

### **Substance Abuse Services**

Al-Anon Family Groups, Inc. ....	530-758-6907
Alateen .....	1-800-970-9040
Alcohol, Drug & Mental Health Services .....	530-666-8516
Alcoholics Anonymous .....	1-800-970-9040
California Smoker's Helpline .....	1-800-662-8887
Cocaine Anonymous, Sacramento .....	916-927-5740

CommuniCare Health Centers, Substance Abuse Treatment Program and Outreach Services	
West Sacramento .....	916-371-1966
Woodland .....	530-668-2400
Community Action Substance Abuse Services, CASAS	
West Sacramento .....	916-372-3594
Drug Abuse Resistance Education .....	530-668-5280
Narcotics Anonymous .....	1-800-600-4673
National Council on Alcoholism & Drug Dependence, Inc.	
Regional .....	916-922-9217
Stepping Stones .....	530-666-8520

### **Mental Health & Counseling Services**

Yolo County Alcohol, Drug & Mental Health Services .....	530-666-8516
Davis .....	530-757-5530
Woodland .....	530-666-8630
West Sacramento .....	916-375-6370
Asian Pacific Community Counseling Sacramento .....	916-383-6783
ADMHS Family Partnership Program	
Children's System of Care .....	530-666-8632
Children's Therapy Services (SADVC) .....	530-661-6336
Child Welfare Services (CWS) .....	1-888-400-0022
Child Abuse Reporting Line .....	530-669-2345
Diogenes Youth Services, Sacramento .....	916-363-9943
Jewish Family Service, Sacramento .....	916-484-4400
Family Partnership Program .....	530-666-8632 ext. 9183
La Familia Counseling Center, Sacramento .....	916-452-3601

National Alliance for the Mentally Ill of Yolo County (NAMI) ...	530-756-8181
Omnibus Mental Health Associates .....	530-758-1580
Progress Ranch Treatment Services for Children .....	530-753-2566
<b>Suicide Prevention &amp; Crisis Services of Yolo County</b>	
<b>Business Numbers:</b>	
Davis .....	530-756-7542
Woodland .....	530-666-6350
West Sacramento .....	916-372-0709
<b>Crisis Line Numbers:</b>	
Davis .....	530-756-5000
Woodland .....	530-666-7778
West Sacramento .....	916-371-3779
<b>Teen Line:</b>	
Davis .....	530-753-0797
Woodland .....	530-668-8445
West Sacramento .....	916-371-3779
UC Davis Medical Center Psychiatry Services .....	916-734-3574
Yolo Community Care Continuum.....	530-758-2160
Yolo Early Start Team, YCHD, West Sacramento .....	916-375-6380
<b>Yolo Family Service Agency</b>	
Woodland .....	530-662-2211
Davis .....	530-753-8674
West Sacramento .....	916-371-1254

## **Health Services**

### Local Hospitals:

<b>Sutter Davis Hospital</b>	
Business .....	530-756-6440
Emergency .....	530-757-5111
<b>Woodland Healthcare CHW .....</b>	
Dixon.....	530-756-3575
Winters .....	530-795-4002
<b>UC Davis Medical Center &amp; Children's Hospital (Sacramento)</b>	
Hospital Operator .....	916-734-2011

Information .....	1-800-282-3284
AIDS Information & Testing .....	1-800-367-2437
BabyCal (For Pregnant Women) .....	1-800-222-9999
Chapa-De Indian Health Program, Inc. ....	530-661-4400
Child Health & Disability Prevention Program .....	530-666-8249
CommuniCare Health Centers, Davis	
Medical .....	530-758-2060
Dental .....	530-757-4667
Teen Clinic .....	530-758-1510 ext. 1436
CommuniCare Health Centers, Knights Landing .....	530-735-1776
CommuniCare Health Centers	
Peterson Clinic — Woodland	
Medical .....	530-666-8960
Dental .....	530-666-8954
Teen Clinic .....	530-758-1510 ext. 1436
CommuniCare Health Centers	
Salud Clinic — West Sacramento	
Medical .....	916-375-6400
Dental .....	916-375-6430
Teen Clinic.....	916-758-1510 ext. 1436
CommuniCare Home Visiting Program	
CommuniCare Health Centers .....	530-753-3498
Community Breastfeeding Support Line of Yolo County ....	1-800-663-8685
Family Health Line .....	1-888-824-BABY
Maternal, Child & Adolescent Health Hotline .....	1-800-794-6517
Medi-Cal	
West Sacramento .....	916-375-6200
Woodland .....	530-661-2750
Migrant Child Education	
Emergency medical and dental services .....	530-666-1977

Perinatal Program, CommuniCare Health Clinics.....	
Information .....	530-758-1510 ext. 1017
Planned Parenthood .....	530-662-4646
Pregnancy Consultation Center .....	1-800-954-2464
Pregnancy Support Group of Woodland .....	530-661-6333
Public Health AIDS Program .....	530-406-4905
Public Health Laboratory .....	530-666-8644
Teen Outreach:	
CommuniCare Health Centers .....	530-758-1510 ext 1411
Winters Healthcare Clinic .....	530-795-4377
Woodland Healthcare .....	530-662-3961
Yolo County Health Department	
Woodland .....	530-666-8645
West Sacramento .....	916-375-6380

## **Parent Education & Support**

Adolescent Family Life Program (AFLP) for teen parents .....	530-661-2750
American Red Cross	
Woodland .....	530-662-4669
West Sacramento .....	916-368-3131
After Hours .....	1-800-540-2000
Disasters .....	1-800-951-5600
Big Brothers Big Sisters of Sacramento Co. ....	916-482-9300
CalWORKS	
Woodland .....	530-661-2750
West Sacramento .....	916-375-6200
Center for Child & Family Studies, UC Davis .....	530-752-2888
Center for Fathers & Families (Regional) .....	916-424-3237
Child Support Services Department of Yolo County	
Woodland .....	530-661-2880
Davis .....	530-753-9124

West Sacramento .....	916-375-6488
Community Breastfeeding Support Line of Yolo County ....	1-800-663-8685
Kinship Caregiver Support Group .....	530-662-2211 ext. 33 1-888-594-KIDS
La Leche League of Davis .....	530-758-8270
Parent Outreach .....	1-800-901-4565
Parents Together (Parents of Infants) .....	530-757-5695 1-800-723-3001
Prenatal Outreach & Education, YCHD .....	1-800-794-6517
Project Reach (For Laotians only) Sacramento .....	916-453-2900
Teen Parent Center, Davis JUSD .....	530-757-5400 ext. 141
Warmline Family Resource Center (Regional) .....	916-922-9276 ..... 1-800-660-7995
WIC Supplemental Food Program .....	530-666-8445
Yolo Early Start Team, YCHD West Sacramento .....	916-375-6380
Yolo County Car Seat Program .....	530-406-4902
Yolo County Children & Families Commission .....	530-669-2475
Yolo County Children's Alliance & Child Abuse Prevention Council .....	530-757-5558
Yolo County Grandparents Raising Grandchildren, Grandparents Advocacy Network of Northern California .....	1-888-594- KIDS (5437)
YC Parents, Families & Friends of Lesbians & Gays .....	530-662-8970
Yolo Crisis Nursery .....	530-758-6680
Yolo Family Resource Center, Woodland .....	530-406-7221
Yolo Family Service Agency Woodland .....	530-662-2211 ext.17
Davis .....	530-753-8674

West Sacramento .....	916-375-1254
Yolo Parents of Twins Club .....	530-756-1047

### **Translation Services**

L&L Services (Spanish and English) .....	530-661-6508
Southeast Asian Assistance Center .....	916-421-1036
(Vietnamese, Lao, Mein, Hmong, Chinese, Cambodian, Russian, Ukrainian, Bosnian and Croatian)	
Transcend (Multi-Lingual — 40 Languages) .....	530-756-5834

### **GLOSSARY**

**BAIL:** To procure the release of one charged with an offense by insuring his/her future attendance in court and compelling him/her 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.

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

**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.

**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 that may result in imprisonment in the state prison.

**Misdemeanor:** A crime that may result in incarceration 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.

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

**CDCR:** California Department of Corrections and Rehabilitation (previously known as the 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 the suit is brought (sometimes known as a respondent).

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

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

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

**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 that is punishable by death or imprisonment in the state prison.

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

**HABEAS CORPUS:** An ancient writ, 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.

**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)

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

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

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

**MINOR:** A person who has not reached the age of majority, or 18.

**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.

**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.

**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").

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

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

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

**SMALL CLAIMS COURT:** A small claim varies from state to state, but in California, the upper limit is \$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.

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

related matters

**VOIR DIRE:** 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).

**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 advanced age.

**Executor:** One, whose job is to administer the provisions of a will, gathers 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.