KIDS & THE LAW

AN A-TO-Z GUIDE FOR PARENTS

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Funded By A Generous Grant From The California Bar Foundation

The age of majority is a term used by lawyers to describe that point in a person’s life when he or she is legally no longer considered a child. In essence, it is an arbitrary time when a child becomes an adult in the eyes of the law. Until fairly recently, the age of majority was set at 21 in most states. After the 26th Amendment gave 18-year-olds the right to vote in federal elections, most states, including California, lowered their age of majority to 18. (FC § 6302)

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

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

This does not mean that once your child reaches the age of majority, he or she gains all of the rights and privileges available to adults. Some rights and responsibilities come earlier, while others come later. For example, a California resident can obtain a provisional driver’s license at age 16 (see Cars, Kids and Traffic Laws), but cannot purchase alcoholic beverages until age 21. What the age of majority has come to mean is that point when an individual is treated as an adult for most purposes.

Reaching the age of majority, however, also involves some losses. These losses generally correlate with the rights that children are given for their own protection—for example, the right to their parents’ support, care and shelter (see Parents’ Rights and Responsibilities), their right to treatment within the juvenile court system (see Juvenile Court), and their protection against exploitation and harmful or dangerous employment conditions (see Work, Work Permits and Taxes).

Note: An exception to the rule that your child must wait until age 18 to acquire the rights and obligations of an adult would apply if he or she were emancipated. (To understand how this might occur, as well as its legal consequences, see Emancipation.)

Are there laws that address underage drinking at parties?

Yes. A police officer (who lawfully enters the gathering) can seize alcohol- related beverages and other items under 21 at an unsupervised social gathering. Under California law, an unsupervised social gathering is a public party or event that is attended by 10 or more people under age 21, and is not supervised by or guardian of any of the participants. (BPC § 25665.20)

State legislators and many communities around the state have taken steps in recent years to help curb underage drinking. For example, a law allows social hosts (age 21 or older) to be sued if they knowingly provide alcohol to their homes to an underage drinker who then causes an injury or death. (VC § 17346.5) In addition, a growing number of cities and counties have enacted Social Host Accountability ordinances as well. While such ordinances vary, they generally hold the hosts of underage drinking parties (or the residential property owners who allowed the party to take place) accountable for any drinking and loud, unruly behavior that takes place. The consequences may be fines that increase with each violation, the obligation to pay the costs of responding to the party or breaking it up, and community service.

Can bar operators also be held liable if they sell alcohol to someone under age 21?

Yes, under certain circumstances. If a bar server serves alcohol to an underage, obviously intoxicated patron who later causes a car accident, for example, that operator could be civilly liable for the resulting injuries (except for those sustained by the drunken, underwriter driver if he or she is over 18). If the intoxicated youth is under 18, the operator could be sued for his or her injuries or deaths as well. (BPC § 25603.12)

Many are also that apply to motorists. Bicyclists must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to all pedestrians.

Also, some California communities have local ordinances that prohibit bike-riding on sidewalks in certain areas, such as business districts. Under state law, all bicycle riders under the age of 18 must wear bicycle helmets (VC § 22121) and, if riding at night, have a bike equipped with a front light, red rear reflector, pedal reflectors and side reflects or reflectorized tires. (VC § 21220) Wearing a headset or earplugs is prohibited while riding a bike. (VC § 27400) Riders must also ride on actual bicycle seats (unless the bike is designed to be ridden without a seat). It is against the law to ride on someone's bicycle handlebars or center frame bar. (VC § 21224)

Bicycle riders and adult and children alike—must abide by most of the traffic laws that apply to motorists. Bicyclists must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to all pedestrians.

For parents, children and driving means dealing with the traffic laws that apply to motorists. Bicyclists must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to all pedestrians.

To get a provisional license (VC § 12824.6), your child must:

- Be at least 16 years old.
- Finish both driver education and six hours of professional driver training and receive the proper certification. (DMV form DL 388 or DL 237, 2580 Or, complete an integrated driver education/training program of 30 hours of instruction and six hours behind the wheel.
- Have a learner's permit for at least six months.
- Provide a parent's signature (or other acceptable signature) on his or her learner's permit showing that all of the driving practices outlined in the Parent-Teen Training Guide have been completed. You can get this booklet at local DMV field offices or by visiting www.dmv.ca.gov (go to More DMV Publications).
- Complete 50 hours of supervised driving with an adult (age 25 or older) who has a valid California driver's license. Ten of the 50 must be done at night. The adult must certify the 50 hours of driving practice.
- Pass the behind-the-wheel driving test and a written exam. (The teenager must bring proof of insurance for the car in which the driving test is taken.)

Once your child has a provisional license, he or she can drive alone. However, the law does impose certain restrictions on drivers under the age of 18:

- For the first 12 months, the minor may not drive with anyone under the age of 20 in the car and may not drive between the hours of 11 p.m. and 5 a.m., unless accompanied by a driver who is 25 or older. In certain circumstances (the minor’s sibling, for example, has no other transportation to and from school), an exception may be made if the minor meets certain criteria.
- Teenagers under 18 may not be employed as drivers. (VC § 12515) When a minor reaches age 18, the provisional part of the license ends. The license is still valid as a driver’s license until the next period for renewal, which would be the driver’s fifth birthday after initially applying for the provisional license.

Minors over the age of 14 can get a junior permit under certain circumstances, such as when there is inadequate school transportation or transportation due to an illness in the family. Such a restricted permit might be allowed if the minor needs it for transportation to and from a job and the minor’s income is essential to the support of her or his family. (VC § 12513) In addition, a student driver’s license may be obtained by a minor who is over 15 and is taking driver training in a public, parochial or private secondary school with the consent of the school principal and parents. (VC § 12850)

Liability and auto insurance: For parents, children and driving means dealing with additional car insurance. Many parents simply add their child to their own policy, but this can be expensive. In California, minors who get their own policies are required to have the following minimum auto insurance coverage: (VC § 16430)

- $15,000 for the injury or death of one person per accident.
- $30,000 for the injury or death of two or more people per accident (still subject to the $15,000 maximum per person).
- $5,000 for property damage per accident.

Note: In signing the form for their teenager’s provisional driver’s license, parents (or the sole parent or legal guardian) agree to accept financial responsibility for their child. However, in most cases, parents can’t be held liable for more than the amounts listed above. (VC § 17205)

Keep in mind that such insurance is intended to protect your child from losses as a result of an accident that he or she causes. Helpful drivers often get into accidents during their first few years of driving, it might be wise to obtain more than the minimum amount of auto insurance required on a car that will be driven by your child.

In addition, the liability limits do not apply when a parent has negligently entrusted his or her vehicle to the child. For example, the parents could be found liable if they knew (or should have known) of their child’s poor driving record, past accidents or drinking problem—and still permitted the child to drive his or her own car or a family car. In that case, the parents could be found liable for up
to the full amount of damages if the child causes an accident. (VC § 17708)

All drivers must carry liability insurance to insure against injuries the driver causes to someone else or their property while operating any motor vehicle. Evidence of insurance must be carried in the vehicle at all times. (VC §§ 16020, 36028) A driver could be fined up to $200, plus penalty assessment, for a first offense of driving without proper insurance. (VC § 16029)

Laws that Young Drivers Should Know

Smoke-free cars and kids: It is now illegal to smoke inside a car if any of the car’s occupants are under 16. A violation carries a $100 fine. In 2008, California became one of the first states to pass such a law. Studies indicate that secondhand smoke accumulates quickly inside cars (even with the windows cracked open) and poses a health threat to children in particular. (HSC §§ 110487 et seq.)

Reckless driving: California law prohibits driving a vehicle on a highway or in an off-street parking facility in willful or wanton disregard for the safety of others or property. It also provides for more severe punishment for reckless drivers who cause others to be injured, including the revocation of the driver’s driving privilege after the third conviction in 12 months. (VC §§ 13353(a)(2), 23110-23105)

Speed contests: Speed contests are against the law. A judge can suspend or restrict a first-time offender’s driver’s license for up to six months, imprison the offender for 30 days, or, as well as impose times and community service. If someone other than the driver is injured, the driver could face even stiffer penalties. (VC §§ 23109, 23109.1, 23109.2)

Passengers in the trunk: Riding in the trunk of a car is illegal. In recent years, dozens of teens have been hurt and, in some cases, killed while riding in a trunk. If a driver allows someone to ride in the trunk, he or she has broken the law as well. (VC § 27172)

Cell phones and driving: It is against the law to use a cell phone while driving, unless you are at least 18 and your cell phone is set up for hands-free use, or you are making an emergency call to law enforcement, for example. Law enforcement is authorized to stop and question drivers found talking on cell phones, “texting” messages or using any mobile communications device while driving—except to place an emergency call. It is illegal for anyone to drive while using an “internet-based communications device” to test or write, send or read any other type of “text-based communications” unless the device is hands-free and voice operated. (VC §§ 23123, 23124)

Littering and throwing objects at or from a vehicle: California law makes it a misdemeanor to throw anything at or from a moving vehicle. The law also prohibits littering or throwing lighted cigarettes from a motor vehicle; the penalties range from a $100 fine to a $1,000 fine and probation. The offender would be ordered to pick up litter or clean up graffiti. (VC §§ 23110-12, 42001.7)

Unlicensed minors and the purchase of vehicles: A minor who does not possess a valid driver’s license may not purchase or lease a car. The law also prohibits a minor from using a false driver’s license to purchase or lease a vehicle. (VC §§ 15600-15501)

Hit and run: In California, you must stop after any accident in which someone is injured, or someone else’s property is damaged. You also must exchange names, addresses, driver’s license numbers, vehicle license numbers and other relevant information. If someone dies in the collision, the accident must be reported to the California Highway Patrol (CHP) or a police officer immediately. When property damage is involved, failing to report such damage or notify the property owner is a misdemeanor. If someone is injured or killed and you fail to stop and/or report it, the potential penalties are much greater. (VC §§ 20001-04)

Driving without a license: In California, it is a misdemeanor to drive without a valid driver’s license or permit. Also, the law requires drivers to have their licenses in their possession while driving. Driving with a suspended or revoked license is a misdemeanor that could lead to a fine of up to $1,000 for a first conviction of certain offenses. In addition, the unlicensed driver’s car (even if it is a borrowed vehicle) can be impounded for up to six months. (VC §§ 14601 et seq., 23392)

Seat belts/child passenger restraints: The driver and all passengers must be properly restrained by a safety belt—or it is illegal to drive the vehicle. (VC § 23110-12, 23650-23650.5) For more safety information, go to nhtsa.gov or call the Vehicle Safety Hotline at 888-327-4236.

Unattended passengers: Children ages 6 and under cannot be left alone in a car if the keys are still in the ignition or if any other conditions could put them at significant risk. Someone age 12 or older must stay behind to supervise them. (VC § 15620) Nur is it legal in California to leave an animal in a parked car if the conditions are expected to be either hot, cold or having law ventilation, for example,—could cause the animal to suffer or die. (PC § 597.7)

Weaving headrests or ear plugs: Headrests or ear plugs in both cars cannot be worn while driving a motor vehicle or operating a bicycle. (VC § 27400)

Alcohol and cars: In California, it is unlawful for anyone—driver or passenger—to possess an open container of alcohol in an automobile. (VC §§ 23223, 23226) Possession of an open container of alcohol inside a car is a misdemeanor. A minor’s license can be revoked or suspended for a first offense for a year in such circumstances.

Laws related to driving, alcohol and minors are particularly strict. It is illegal to carry a closed container of alcohol in a vehicle if anyone in the car—driver or passenger—is under 21 unless the person is accompanied by a parent, legal guardian or other responsible adult designated by the parent or guardian. If the car’s registered owner (whether he or she is driving or simply a passenger) illegally possesses an alcoholic beverage, the magic is effective even impounded for up to 30 days. An exception to this law would apply if the minor works for a licensee of the Alcoholic Beverage Control Act and is transporting alcohol during normal business hours. (VC § 23224)

In addition, it is illegal for anyone under the age of 21 to drive a vehicle or be in the vehicle if his or her blood-alcohol concentration (BAC) is 0.01 percent or more. (VC § 23136) For adults who are 21 or older, the illegal BAC is 0.08 percent or more. (VC § 23152.06)

What will happen if my teenager is stopped by police for driving under the influence of alcohol?

The police officer may administer a breath, blood or urine test to determine the driver’s blood-alcohol level. A driver who refuses to take this test could face serious penalties: Those who do not submit to a blood-alcohol test could be fined or imprisoned and could have their driver’s license suspended or revoked for one to three years. (VC §§ 13353.1, 23136, 23622)

Even if a breath or urine test is not performed, a young person could still be convicted of driving under the influence (DUI). A chemical test is not required for a conviction if the judge or jury concludes that the person under age 21 consumed an alcoholic beverage and was driving a vehicle. (VC § 23140)

If your child is convicted of DUI and is under 18, his or her license will be suspended until the court reaches the age of 18, or for one year, or for even longer if he or she has committed prior offenses. (VC § 13353.3)

In most cases, a minor convicted of DUI also would be required to participate in an alcohol education or community service program. If the individual is over 18, he or she would be required to pay the cost of attending this program; otherwise, the expense would be charged to the minor’s parents. (VC § 23520) If your child fails to complete a court-ordered alcohol education or community service program, a court might revoke or suspend his or her driver’s license. If a minor’s driver’s license has been suspended or revoked, he or she would be delaying in receiving one. These sanctions would remain in effect until the minor completes the court-ordered program or reaches age 21. (VC § 23141)

Finally, anyone who has a driver’s license suspended or revoked may also have his or her car insurance canceled. A DUI conviction disqualifies an individual from receiving a “Good Driver Discount” insurance policy for the next 10 years. (IC § 1861.025)

There are more than three million reports of child abuse nationwide each year. By one estimate, nearly five children die from such abuse or neglect every day. Most of the victims are under age 4. But child abuse victims can be any age, come from any ethnic background and be born into poverty or wealth. Such victims do not fit into any particular profile. It is against the law for anyone to abuse a child under 18—physically, sexually (see Sex and Kids) or emotionally—or to endanger any child by putting the youngster in harm’s way. Nor is it legal to intentionally neglect a child who is in your care—to fail to adequately feed, clothe or supervise the child or to supply medical care. (PC §§ 270 et seq., 11164-11165.6)

Who break these laws, depending on the circumstances, could face years in prison. In addition, if one parent fails to protect his or her child from another parent or partner who is abusive, he or she could be found criminally liable as well.

What should I do if I suspect a child is being abused or neglected?

Call your local Child Protective Services hotline (every county has one) or contact the local police. The youngsters could be at great risk. And unless it can be proven that the alleged abuser found out that I filed a report? It depends. You can remain anonymous unless you are a mandated reporter.

What is a mandated reporter?
What is “Shaken Baby Syndrome”? It is a life-threatening condition that can develop when someone shakes a baby. The sudden shaking motion slams the child’s head into his or her skull. One in five children die as a consequence. The resulting trauma can also lead to permanent brain damage, blindness or severe motor dysfunction. It can happen when a parent, babysitter or other caregiver simply shakes a child to stop a bout of crying. Babies are not the only ones at risk; severe shaking can cause head trauma in children up to age 5. Proposed legislation still pending in 2013 would require the State Department of Public Health to implement the Shaken Baby Education Program that would provide new parents with information on the syndrome. Experts suggest that over-stressed parents or caregivers seek help. Parents, caregivers and adults and children alike can visit www.childhelp.org or call 800-4-A-CHILD (422-4453) for assistance.

At what age can a child legally be left alone at home— and for how long?

California law does not specify any particular age. Every situation—and every child—is different. It could depend on various factors: the child’s level of maturity and judgment; the time of day, the safety of the neighborhood and the proximity of another responsible adult who could be available in an emergency. The legal question would be whether or not the child would be put at risk if he or she were left alone—whether you could be endangering or neglecting the child. There are, however, other situations in which it is against the law to leave a child of a certain age-alone. For example, in certain circumstances, children under 7 cannot be left alone in a car (see Laws that Young Drivers Should Know on the previous page).

Are there any deadlines for filing lawsuits?

Yes. When filing lawsuits, adults and children alike must abide by statutes of limitations. A statute of limitations is a law that sets a time limit on the filing of particular lawsuits. These time limitations vary according to the type of action involved but are relatively standard for the following cases:

- Personal injury—two years from the time of the injury. (CCP § 335.1)
- Breach of contract—four years from the time the contract was broken, or two years if the contract was never in writing. (CCP §§ 337, 339)

Damages to real or personal property—three years from the date the damage occurred. (CCP § 338(b)(4)(c))

In addition, California has some other important laws relating to civil actions brought by minors. First, if a child is injured before or at the time of birth, the lawsuit (other than medical malpractice suits) must be filed within six years of the birth. (CCP § 341.4) A minor’s medical malpractice suit must be initiated within three years, or one year after the parents discovered (or should have discovered) the injury unless he or she is under 6 years old. If the child is under 6, the suit must be initiated within three years or prior to the child’s eighth birthday, whichever period is longer. (CCP § 340.5)

- Lawsuits alleging child sexual abuse generally can be brought until the person is 26 years old, or until three years after the person discovered (or could have reasonably discovered) that his or her injuries were related to sexual abuse, whichever period is longer. (CCP § 340.1)

In most cases, however, the statute of limitations clock stops when the child reaches 18. This means, for example, that a 12-year-old boy injured in a traffic collision could wait until two years after his 18th birthday to begin an action. (CCP § 332)

Criminal law and crimes represent those acts, behaviors or attitudes that society believes to be wrong and wishes to discourage. When a minor or adult violates a criminal statute, it is the state, on behalf of society, that files a lawsuit. County prosecutors are the state’s designated representatives and have the discretion to choose which violations of criminal law are most important to prosecute or punish. When the state prosecutes someone for breaking a criminal law, the wrongdoer could face a fine, be locked up in a county jail or sent to state prison. In a civil case, you may have to pay a fine if you lose, but you will not be sent to jail.

In California, most of the laws defining criminal conduct can be found in the California Penal Code, but criminal acts are defined in other areas of the law as well. City and county ordinances also are considered part of criminal law and include, for example, curfew laws, laws against smoking and laws requiring smoke detectors or fire alarms.

Criminal offenses are divided into three categories: felonies, misdemeanors and infraction (PC § 16). A felony is the most serious type of crime and is punishable by a fine (or imprisonment in a county jail) or a life sentence. A misdemeanor is punishable by a fine and/or imprisonment in a county jail for no more than one year in most cases. Infractions usually do not involve any jail time, but the defendant must appear in court and/or pay a fine. If charged with an infraction, you are not entitled to a jury trial or an attorney at state expense. Most traffic violations are infractions. Finally, some crimes are punishable either as misdemeanors or felonies. These crimes are called wobblers and are considered felonies until the judgment is imposed.

MYTH: Some parents believe that children who are under a certain age cannot be convicted of a criminal act. While a child’s age and experience do impact a court’s determination as to whether the child understands that his or her actions were wrong, there is no magic age at which a child cannot be found guilty of a crime. (PC § 26) If the state seeks to prosecute a child under the age of 14 in California, however, attorneys must establish clear proof that the child knew that his or her act was wrong at the time. For more information about how criminal laws relate to kids, see Juvenile Court.

CURFEW LAWS

Curfew laws restrict the rights of youngsters to be outdoors or in public places during certain hours of the day. Such laws aim to establish a safer community and better protect children from the negative influences that they might encounter while wandering around late at night. Currently, there is no state curfew. But under state law, cities and counties can enact their own curfew ordinances. Courts in California have generally upheld such laws as long as the local ordinance seeks to discourage “bothering” or “menacing” someone in certain places after certain hours.

Under such local laws, parents can be charged for the administration and transportation costs of returning a minor to his or her home on a second curfew violation. (WIC § 625.5) Also, a child who is a frequent and habitual curfew violator may be declared a ward of the court and be treated as a status offender. (WIC § 601) Most curfew ordinances prohibit minors from being out past 10 p.m. on weekdays and midnight on weekends. Exceptions to such laws do exist, however, allowing kids to legally stay out late if they are:

- Participating in a religious, educational or political activity.
- Running an errand for a parent or guardian.
- Accompanied by a parent, guardian or other adult.
- Working or going to or from their place of employment.
- Responding to some type of emergency.
- Returning home from a school, cultural or recreational activity.

What will happen if my teenager breaks curfew? He or she could be temporarily detained by police and returned home. The law also gives local police some latitude in their enforcement of such curfew ordinances if the officer believes a youth has a “legitimate reason based on extenuating circumstances” for the violation. (WIC § 625.3(c))

If you don’t know whether your community has a curfew law, call your local police department. If your community does have a curfew, obtain a copy of the law and a list of the exceptions and exceptional circumstances. As a parent, you also should familiarize yourself with the specific guidelines given to police officers who deal with young curfew violators.

In a 2012 survey of 45,400 secondary school students nationwide, one in seven eighth-graders admitted to using inhalants to get high. Nearly half of the high school seniors admitted they had tried some type of illicit drug. One in 15 reported using marijuana or hashish every day, according to the annual study funded by the National Institute on Drug Abuse. Drug abuse among young people remains a serious problem—and parents are often the last to know when their children are in trouble.
In recent years, misuse of certain prescription-type drugs, including the painkillers Vicodin and Oxycodone, has raised concerns (see page 5). According to a 2012 national survey, 7.5 percent of high school seniors used Vicodin and 4.5 percent used Oxycodone, with federal data also confirming that over-the-counter medications, such as acetaminophen, are among the most misused prescription drugs by students.

**Steroids and Teenagers**

Your young athlete may believe that anabolic steroids will improve his or her game. But without a prescription from a doctor, steroids are illegal. In addition, the federal penalty for distributing such drugs is up to 20 years in prison and $250,000 in fines. (HSC §§ 11056(f), 11377(b); 21 USC § 841) For more information on steroids, go to www.steroidinfo.com.

By law, the following warning must be posted in all locker rooms, offices, and schools with middle- and high-school-aged students. (CC § 18112.57)

**Warning:** Using steroids to increase strength or growth can cause serious health problems. Steroids keep your body from growing to its full height; they can also cause heart disease, stroke and damaged liver function. Men and women using steroids may develop fertility problems, personality changes and acne. Men may also experience premature balding and development of breast tissue. These health hazards are not limited to the civil and criminal penalties for the unauthorized sale, use or exchange of anabolic steroids.

Possessing drug paraphernalia is a crime, too. For example, concentrated cannabis, heroin, cocaine, LSD, amphetamines and barbiturates. The punishment for marijuana (the most commonly used illicit drug) is a fine of up to $1,000 or a year in jail, and up to 2 years in jail for possession of more than 28 grams of marijuana (other than concentrated cannabis) or less would be considered an infraction, which could result in a fine of up to $100. Minors also may be ejected from home to a juvenile probation officer. However, if your child is found possessing more than an ounce of marijuana or with any amount on school grounds, the marijuana, the consequences would be more serious. (HSC §§ 11357-58)

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**Nitrous oxide and other inhalants:**

Parents may not think of glue, spray paint, solvents, paint thinner and air fresheners as drugs. By eighth grade, however, roughly one in nine children has inhaled one of these substances, especially inhalant and other volatile substances. (FC § 7120)

- **Are there stiffer penalties for selling drugs to minors at school?**

Yes. The states impose severe sanctions on anyone age 18 or older who unlawfully prepares for sale, sells or gives away certain controlled substances to a minor (or solicits a minor’s assistance) at certain locations where children are present. It would include a school playground or a child day care facility at any time when minors use the facility. Depending on the location, type of drug and age difference between the minor and the adult, such conduct could lead to an enhanced prison sentence of 14 years. (HSC §§ 11353.1-11353.6, 11280.1)

The data, however, suggest that teenagers still have plenty of opportunity to obtain drugs. A 2012 survey by the National Center on Addiction and Substance Abuse found that half of the 1,000 high school students surveyed knew another student who sold drugs at their school. For more information, see the National Institute on Drug Abuse website at www.drugabuse.gov.

Legally speaking, emancipation is that point in time when parents are no longer responsible for their children, and children no longer have to answer to their parents. (FC §§ 7002, 7120) Once this occurs, parents do not have to give their permission for anything that the minor may wish to do. They also no longer have to provide their child with support or necessities such as food, shelter and medical care. That your minor child does not have to be responsible to you and may live wherever he or she wishes.

In addition, an emancipated minor can make his or her own medical, dental and psychiatric care decisions. An emancipated youth also may, for example, enter into a contract, sue and be sued in his or her own name, make or revoke a will, buy or sell interests in property, and apply for a work permit without parental consent. At the same time, the minor’s parents lose control over his or her earnings. The minor must instead take care of his or her own financial affairs. (FC § 7705)

Myth: Some states believe that they can “divorce” their parents or seek emancipation without their parent’s permission. The truth, however, is that kids cannot unilaterally “divorce” their parents. The emancipation process is very complex and requires, at a minimum, a parent’s consent or acquiescence in order for a court to approve such a process.

In California, emancipation occurs automatically under certain circumstances. For example, as a person turns 18, he or she legally becomes an adult and is emancipated. (See Age of Majority) When minors get married, they become emancipated from their parents. Emancipation also occurs if a minor is on active duty with the Armed Forces. (FC § 7140)

In addition, a minor may become emancipated in California with a petition to the courts. In such instances, the minor (at least 14 years of age) must state that he or she would like to be emancipated and is willing to live separately and apart from his or her parents or guardian. The minor must be able to prove that this decision was made voluntarily and that he or she has parental consent or acquiescence to manage his or her own financial affairs. The minor must explain to the court how much money he or she makes, and how future expenses will be handled, including the cost of rent, clothes, food and entertainment. (FC § 7210)

- **Note:** Running away from home is not a legitimate way of becoming emancipated. Nor can parents simply abandon their responsibilities by forcing their children out of the home. In such situations, children may acquire the right to determine their place of residence and make their own decisions without losing their right to parental support. (See Parents’ Rights and Responsibilities.)

Fighting is one of the most common ways that young people get into trouble with the law. When children are caught fighting, the police have several options. They can simply contact the minor’s parents and escort the child home. More often, especially if there is no immediate danger or medical problem, the minor will be arrested. The child could face charges of assault and battery or disturbing the peace. An assault is defined as an unlawful attempt, coupled with present ability, to commit a violent injury upon another. (PC § 243) Assaulting another with the intent of threatening to hurt someone but not necessarily succeeding. Battery is defined as the willful and unlawful use of force or violence upon another. In other words, battery is when an assault has been successfully carried out. (PC § 243)

In California, an assault is a misdemeanor. When an assault is committed against certain people, such as a peace officer, firefighter, school employee, mobile intensive care paramedic, animal control officer or an emergency medical technician doing his or her job, the punishment is greater. (PC §§ 242, 243.4, 243.6) Also, if the assault is committed on school or park property or with the use of a deadly weapon.
weapon, the punishment is more severe. (PC §§ 241.2, 245-245.5) When a minor com-
mits an assault on school property, he or she may be required to attend counseling
at his or her parents’ expense, in addition to the fines (up to $2,000) and punishment
imposed. (PC § 243.2)

If convicted of battery, also a misdemeanor, a young person could face juve-
nile court punishment and a fine. If the battery was directed at specific public
service or medical personnel, the potential punishment would increase. (PC §§ 243, 243.1, 243.6) San Francisco County Court

Sometimes, however, it can be difficult to determine who started the fight.
If your child can prove that he or she acted in self defense, the charges might be
dropped or might not be filed at all. In a situation in which it is clear that two
students meet the other after school for a fight, however, both would be charged.

Finally, fighting or picking a fight in a public place also can result in a
charge of disturbing the peace, which would be a misdemeanor. (PC § 415)

Directly threatening or intimidating a teacher or school official also is a crime.
(PS § 71) An example of this might be a student who threatens to beat up a teacher
unless he or she receives a passing grade. A separate law makes it mandatory for
a school employee who has been attacked, assaulted or physically threatened by a
pupil to report such conduct to law enforcement. (Ed.C.§ 44014)

MYTH: Some children believe that fights between siblings or even other
family members are not against the law. But the truth is that no one (except a parent
using reasonable force to discipline a child) has permission to strike another person. This
is true whether that person is your kid brother, annoying sister, parent or teenage son. In
such cases, the police, while often deferring to parents, can arrest the offender and refer the
matter to court.

Traditionally urban, gangs now exist in every corner of the state. Because they have
increased in size and presence, they have grown more violent as well. In response,
California lawmakers have passed laws to help combat gang-related problems.

First, there is the California Street Terrorism Enforcement and Prevention Act. (PC §§ 186.20-1) Enhanced in part by the
implementation of the Gag Violence and Juvenile Crime Prevention Act of 1998, the Street Terrorism Enforcement and Prevention Act
provides more severe penalties for those who commit gang-related crimes, committing a violent felony.

In addition, the dress policy must be part of a larger school effort to combat real or
hated problems on campus, and parents must have the option of excluding
their children from the uniform requirement. (Ed.C.§s 35183(b), 35183(d), 35183(e))

MYTH: Some children, as well as parents, believe that membership in a street gang
is against the law. However, gang membership alone is not against the law. In fact, many
would argue that such membership is constitutionally protected. While laws like the California Street Terrorism Enforcement and Prevention Act and the Gag Violence and Juvenile Crime Prevention Act seek to discourage involvement in street gangs, it is the participation in crimin-
ial gang-related activities, not gang membership, that will enhance the punishment for acts
committed in association with a gang.

Gangs and Other

Some may see it as a form of self-expression. But those
who mark up walls, stores and buildings with graffiti are breaking the law. The law defines graffiti as any una-
thorized inscription, work, figure, mark or design that is written, marked, scrolled, scratched, painted or painted on real or personal property. (PC § 594(c))

Graffiti is just one common type of vandalism (also called malicious mischief)—the
malicious defacement, damaging or destruction of someone else’s real or personal
property. It is against the law to commit any type of vandalism.

Specific laws prohibit putting graffiti on government facilities, for example, or
on vehicles, public transit, anything within 100 feet of a highway or freeway overpass
supports, sound walls or traffic signs. (PC § 640.5, 640.7, 640.8) It also is a misde-
meanor for anyone to sell, give or furnish a minor with any etching cream or aerosol
can of paint that could be used to deface property, or for any minor to purchase such materials. (PC § 594(d))

How seriously a so-called tagger—someone who does graffiti—will be punished depends on the extent of the damage and the tagger’s previous history, if any, of
geraffiti convictions. (PC § 594.7) If the damage is less than $400, a first-time tagger
who is a minor could be charged with a misdemeanor and be fined. In more serious
cases, however, the tagger could be charged with a felony and slapped with heavy
fines. (PC § 594.8(c)) (See Juvenile Court)

In addition to fines and the tagger and his or her parents to clean up, repair or replace damaged property,
and keep certain community property graffiti-free for up to one year. (PC § 594)

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Finally, vandalism that poses particular dangers to
the public, is directed toward animals, is racially moti-
vated or stems from feelings of religious hatred or perse-
cution is often treated as a felony. (See Hate Crimes and Hate Speech)

Are parents liable when their kids damage, destroy or deface the
property of others?

Yes, California law makes parents liable in certain circumstances. For example, they are liable for:

- Fines that the minor cannot pay. (PC § 594(d))
- The costs of repairing and replacing destroyed property. (Gov.C. § 38772; PC § 594(c))
- Damages to school property or rewards offered to find the person responsible
  for the damage, up to $10,000. (Ed.C. § 13084.6(a)(1))
- Willful misconduct, including the defacement or destruction of property
  through the use of paint or similar substances. (CC § 1741.3)
- For more information about laws that may apply to graffiti and/or the
  defacing or destruction of property, see Hate Crimes and Hate Speech,
  and Parents’ Rights and Responsibilities.

Dog on a Leash: Does your youngster have a dog? Don’t leave that dog tethered—even if the leash is long—to a dog house, a tree or any other stationary object for
long or you could be breaking the law. You may restrain your dog while doing a quick task, for example, but you may not leave him tethered for more than three hours in a
24-hour period. Violating this law could lead to an infraction and a fine of up to $250 or a misdemeanor and a $1,000 fine. (PC §§ 597.1, 597.7, HSC § 122335)

What are other forms of vandalism?

In California, it is illegal to:

- Remove or damage road or highway construc-
tion barriers, warning signs and lights. (PC § 588b)
- Maliciously poison, torture, kill, neglect, tether or be cruel to animals. (PC §§ 596, 597.1)
- Tear down a legal notice before its expira-
tion date. (PC § 616)
- Open a sealed letter without the authority
to do so. (PC § 614)
- Tamper with fire alarm apparatus or set off a
false alarm. (PC § 148.4)

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ial gang-related activities, not gang membership, that will enhance the punishment for acts
committed in association with a gang.
Even before the recent spate of school shootings, we knew that kids were vulnerable to gun violence. A 2013 study shows that one in five kids at risk for suicide has access to a gun at home, and many of them know where the weapon is and how to get bullets.

Legal regulations and use of guns and other dangerous weapons in California are broad and vary in their intent. Some seek to regulate the size of firearms and firearm-related equipment are outright illegal, with or without parental permission. Such items include sawed-off shotguns, machine guns, and any gun that has its identifying numbers removed, as well as silencers. (PC §§ 23930, 33240, 33410)

Other illegal weapons (illegal to manufacture, import, possess, sell, give or even lend to someone) include any blackjack, machuca, metal or composite knock-locks, dirk, dagger, belt buckle knives, loaded cans, zip guns, lipstick case knives, writing pens and knives, and unconventional pistols. (PC § 16590) On the topic of weapons and fireworks, parents should be aware that:

- If you own a handgun, you need to be aware of the laws regarding guns and ammunition. In California, it is illegal to carry a concealed firearm unless you have a special permit. If you are over 16 or older, you or your minor may possess a hand gun or live ammunition with the written permission of a parent or guardian, and may only possess these items for legal purposes, such as hunting or target practice. (PC § 29815, 29853) In addition, certain less than lethal weapons, such as a remote-firing stun gun, cannot be sold to minors. If you buy a direct-contact stun gun, the minor would have to have a parent’s consent and be at least 16. (PC § 22610)

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- If you’re a parent and your child is involved in this type of conduct, you can be prosecuted for criminal negligence if the youngster uses the gun to injure or kill someone.
- If you’re a parent and your child is involved in this type of conduct, you can be held liable for up to $60,000.
- If more than one person is involved in the commission of another crime will increase the punishment for the crime. In addition, the crime will be treated as a felony. (PC §§ 12022, 29700)

- It is a felony for any driver or motor vehicle owner to allow anyone to fire a gun from a vehicle. If someone willfully and maliciously fires at someone else from a car-in-a-vehicle, a drive-by shooter, for example—the driver could face up to three years in detention facility or, if someone is injured or killed, even longer. (PC § 26100)
- It is illegal for any retailer to sell or transfer any safe and sane fireworks to children under 16. It is unlawful for anyone to sell, give or deliver dangerous fireworks to anyone under 18. (HSC § 12689)

- In some cities and counties, all types of fireworks are illegal. Under state law, cities and counties can adopt their own ordinances or regulations prohibiting or regulating the sale and use of fireworks. (HSC § 12541.1)

Crimes motivated by the hatred or dislike of others are classified as hate crimes. A hate crime is any crime committed against a person (or the person’s property) because of certain characteristics (real or perceived) about the person. These include the individual’s race, ethnicity, religion, ancestry, national origin, disability, gender or sexual orientation. In some cases, threats and intimidation are enough to constitute a hate crime. (PC § 422.6) Unfortunately, many of these crimes in California are committed by young people.

What are some examples of hate crimes?

- Attacking a dark-skinned person because the perpetrator believes he or she is Muslim or from the Middle East.
- Destroying a storefront because the person believes the business owner is lesbian or gay.
- Firebombing or spraypainting a synagogue because the person dislikes people who are Jewish.

When prejudice is the principal reason or motive behind the violence, intimidation or threat, California law increases the punishment for the crime. A hate crime conviction for an adult or a minor can add one to three years of prison time to a sentence, depending on the circumstances. (PC § 422.75) If two or more people commit a hate crime together, their sentences could be increased by two to four years. (PC § 422.75(b)) In addition, California students attending 4th through 12th grade may be suspended or recommended for expulsion if they cause, attempt to cause or participate in an act of hate violence. (EdC § 48900.3)

Individuals involved in this type of conduct can also be sued by the victim and, under California law, may be ordered to pay:

- The victim’s medical bills and/or property repair bills.
- Money to compensate the victim for his or her pain and suffering.
- A $25,000 fine.
- Fees for the victim’s attorney.

Hate speech (using an ethnic or racial slur when referring to someone, for example) is more difficult to regulate. This is largely due to the fact that the First Amendment of the Constitution—the right of free expression—protects much of what we say and our ability to say it. In California, no criminal penalties can be attached to words alone unless the words themselves amount to threats of violence against a specific person or group of people, and the threat comes from someone with the apparent ability to carry it out. (PC § 422.6(c))

Online Lingo

Teens use this shorthand in e-mails and text messages. Do you know what it means?

121 - one to one
143 - I love you.
BCNU - I’ll be seeing you.
DBUK - Do I know you?
E2F - face to face
FAWC - for anyone who cares
GGOH - Got to get out of here.
IPN - I’m posting naked.
LMIRL - Let’s meet in real life.
PR - parent in room
WYRN - What’s your real name?

For more lingo, go to cyberbullying.com. Click on online acronyms under Help Online Predators (HOP). Source: National Center for Missing and Exploited Children

Online Predators and the Computer

Social networking, Texting, Blogging. Today’s children socialize, play games and learn about the world in cyberspace. They know as much as you do—or more—about smartphones, texting, Facebook and Twitter. More than nine out of 10 have posted a photo of themselves, according to a 2013 Pew Research Center survey. A 2012 Pew study found that more than 95 percent of teens use the Internet and nearly half own a smartphone to find information online, many of them on a daily basis.

Although this new digital world may open many doors, it can put your children at risk as well. They may encounter unwanted sexual material online or even sexual solicitation from a stranger. Or they could fall victim to online harassment and bullying. Your children may feel safe, but they cannot always know who’s on the other end of their online chats. Their personal information could be misunderstood or misused as well if they’re not careful. Also, if they download certain material, your children could be breaking the law—and you, as the parent, could be liable.

Is it ever illegal for an adult stranger to contact my child online?

Yes, in certain circumstances. For example, an adult cannot send sexually explicit or obscene material to a child in an effort to seduce the child. It is also against the law for an adult with sexual motives to seduce a child online or to arrange an in-person meeting with the child—even if the adult fails to show up. Just setting up such a meeting is a misdemeanor that could cost the adult up to a year in jail. If the meeting does take place, the adult could face four years in state prison for online enticement. (PC §§ 272, 288.3; 18 HSC § 24220)

If your child is solicited or sent obscene material online, contact local law enforcement and the 24-hour CyberTipline at 1-800-843-5678 or at cybertipline.com. By law, Internet service providers (ISP’s) must also report any child sexual exploitation or child pornography to the federally mandated tipline.

Should I worry about online sexual predators if my child frequently socializes on the Internet?

There is a risk. Monitor his or her Internet use—and openly discuss the dangers. Spending time online can be a beneficial, mind-expanding experience for your child. But the Internet is also an ideal meeting place for sexual predators seeking contact with children. Many young people socialize online with “friends” encountered on the Internet. In one survey, more than 60 percent of teenagers ages 13 to 17 had posted personal profiles or social media pages. Nearly one in three had considered meeting their new online friends in person, and one in seven had actually done so. The problem, of course, is that the new 14-year-old “friend” could actually be a 40-year-old sexual predator.

For tips on minimizing the risks, see Sexual Predators and the Computer on page 9.

For more information on the risks and what to do if you suspect your child is communicating with an online sexual predator, see the FBI’s publication A Parent’s
Sexual Predators and Cybersafety

Are there any laws to help protect my child's privacy online?

Yes. Under the 1998 Children's Online Privacy Protection Act (COPPA), operators of children's websites that collect personal information from youngsters under age 13 are required to post a privacy notice. The notice should state the type of information gathered and whether such information will be sold or forwarded to a third party. Generally, such sites also must obtain parental consent before collecting a child's personal information. In agreeing to provide personal data, the parent can request that the information not go to another party. In addition, parents have the right to review the information collected from their children, revoke their consent and have such information deleted.

What is sexting?

The definitions for the terms vary. For example, sexting is when a young person sends or posts a sexually explicit picture or message to a peer via a mobile or smart device to taunt, harass, torment, humiliate or threaten another youth. Others include sexually suggestive images and messages in the definition. Although a 2011 study found that only 2.5 percent of the teenagers had sent or posted sexual photos or videos of themselves, other studies claim that figure is much higher. Some of the teens in the survey said they had received such messages or images intended to harass or blackmail the victim. Sexting and other forms of cyberbullying can have other serious, unintended consequences. Such material can easily be transmitted for countless others to see—leading to embarrassment and humiliation. Depending on the nature of the message (e.g., a photo or video), it could (and has in some states) potentially lead to criminal charges as well. Both federal and state law make it illegal for anyone (even minors) to possess or distribute child pornography. State law also prohibits sending a minor “harmful matter” intended to arouse and assail young persons. If convicted of such a crime, a teen who is 14 or older could be ordered to register as a sex offender as well. (PC §§ 288.2, 280, 311.16(a); 311.16(b) & (c); PC § 602.9(b)) For more information, visit the websites on the adjacent list.

What can I do if a sexually explicit or otherwise inappropriate photo of my child or teenager turns up on a website?

Contact the website owner or Internet service provider and ask them to remove the image. Most websites provide a means for reporting abuse. Depending on the particular circumstances, you may want to contact your local law enforcement and the CyberTipline (see adjacent list) as well. You could also contact a local Internet Crimes Against Children Task Force agency for assistance. To find a regional task force agency contact in your area, go to Internet Crime Complaint Center (www.ic3.gov) or contact your State Attorney General's office.

What is cyberbullying?

Cyberbullying, too, has various definitions. In general, it refers to when a youth uses a mobile or smartphone, computer, tablet or other electronic communications device to taunt, harass, torment, humiliate or threaten another youth. Some researchers say the behavior must be repeated and cause some harm to be characterized as cyberbullying. A cyberbully might post altered, humiliating photos of a classmate online, for example, or launch an online campaign of vicious rumors about a peer, or send a barrage of threatening emails. Experts say cyberbullying can lead to anxiety and depression in young victims and, in some cases, may have even led to suicide. A 2011 survey of high school students showed one in six were cyberbullied in the previous year.

Legislators, school officials and courts around the country are struggling to address the problem without trampling on young people’s First Amendment right to free speech. A California law gives school administrators grounds to suspend or reprimand employees for actions that cause cyberbullying or incite similar conduct. In many cases, such behavior may not break the law. In certain types of serious cases, however, a young cyberbully could potentially face criminal charges. State law prohibits the use of phones or other electronic communications devices to intentionally annoy someone with repeated calls or electronic messages or threats. Depending on the circumstances, a cyberbully could face charges for seriously threatening someone’s life, committing a hate crime, cyber-stalking or using electronic means to reveal personal information about someone that would threaten that person’s safety. Recent legislation also makes it illegal to try to harm someone by creditably impersonating a real person on a website or by other electronic means. (Elec §§ 3262, 48900; PC §§ 422, 422.6, 646.9, 653m, 653.2) Young people, parents and schools have been sued in cyberbullying-related cases as well. For more information on cyberbullying, visit the websites listed below.

Juvenile Court

Juvenile court is a separate court system for those under age 18. All states have such courts. In launching a separate court in the early 1900s, many believed that children could be rehabilitated through intensive counseling, education and guidance, while law-breaking adults may be less open to such utilization. Yet, juvenile courts serve three distinctly different groups of children.

First, there are children who have committed an act that by committed an adult would be considered criminal. Those who have committed such offenses are often called delinquents or 602 kids. The number 602 refers to the Welfare and Institutions Code section that specifically relates to delinquents.

Second, there are children who have committed no act, but are not safe. Status offenses are activities that are only wrong if committed by minors. (Such offenses would not be considered illegal if committed by an adult.) For example, truancy, running away from home, violating curfew or being beyond parental control are status offenses. Children who have committed such offenses are often called children in need of supervision or 601 kids. Again, 601 refers to the Welfare and Institutions Code section that specifically relates to status offenses. (See Kids in Need of Supervision.)

Then there are those children who have been abused, neglected or abandoned. A judge must decide who will care for these children. This is done through court dependency hearings. (WIC §§ 300, 302, 360)

Social Networking, Sexting and Cyberbullying

www.commonsensemedia.org — Advice on managing your family’s “media diet” and teaching online safety to your children. Ratings and reviews on current movies, videogames, mobile apps, websites and other media.

www.connectsafety.org — Safety tips, advice and news on topics ranging from social media to Internet filters to smart videogaming.


www.cyberline.com — Website and hotline (800-841-5678) for reporting child pornography or suspected child sexual exploitation. Links to online safety resources, list of online acronyms.

www.netsmartz411.org — Internet Safety helpdesk and hotline (1-888-NETS411). Answers questions on numerous topics, including cyberbullying, sexting, monitoring and filtering. (Additional resources can be found on Nutech or anymore.org)

www.onguardonline.gov — Information on computer security, kids’ online privacy, social networking sites and other online safety-related topics. Online guide entitled Net Cetera: Chatting With Kids About Being Online.


www.wiredsafety.org — Information on various topics, including online gaming safety, cyberstalking, cybercrime and cyberlaw. Help for cyberbullying victims. Free online Wired Ed classes. Online booklet entitled Parenting Online.
In some instances, custody is taken away from the parents temporarily, and the children are placed in foster care. (WIC § 727(a)(3)) Parents may then be ordered to get counseling before their children can be returned. In other cases, the parents’ right to their children is taken away entirely and the children are put up for adoption. (WIC § 366.20) (See Parents’ Rights and Responsibilities)

The exception to these three primary categories of children are the young people who are at least 14 and who have committed a very serious crime. (WIC § 602(b)) Under these circumstances, the child’s case may be transferred from the juvenile justice system to the adult justice system. (WIC § 707)

Generally, this decision is based on the following criteria:

- The minor’s degree of criminal sophistication.
- Whether the child can be rehabilitated.
- The child’s previous delinquent history.
- The success of previous attempts by the juvenile court to rehabilitate the minor.
- The circumstances and gravity of the offense.

Usually, a child will only be transferred to adult court if his or her alleged offense was extremely serious, such as murder, arson, armed robbery, forcible sex crimes, kidnapping, assault, selling or providing certain drugs to other minors, or other aggravated offenses. (WIC § 602, 707) Children who remain in the juvenile justice system may be kept under the court’s jurisdiction until they reach age 21—if they became wards of the court before turning 16. If the child is older than 16 when charged with a crime, he or she may remain a ward of the court until age 25. (WIC § 607)

What will happen if my child is picked up by police for breaking the law?

Children who are picked up by the police and referred to juvenile court for breaking an adult law or a status offense are entitled to warnings and Miranda warnings (the warnings given to adults under arrest). (WIC §§ 625, 627.5) But police and juvenile probation officers have far more discretion in choosing to simply release such children and send them home to their parents. (WIC § 626) If kept in custody, however, young status offenders generally must be held separate and apart from children who have been charged as delinquents and from adults under arrest. (WIC § 207)

Detained children must be released within 48 hours (excluding non-court days) unless a criminal complaint or petition for wardship is filed. (WIC § 631, Cal. Rules of Court, rule 1471) During this time, the parents must be notified about what is going on and/or the intent of the probation department to have their child made a ward of the court. (WIC §§ 307.4, 316) During these proceedings, a lawyer and has a right to a lawyer and has most of the procedures due process rights given to adult defendants. (WIC §§ 317, 679, 702.5)

Unlike adults, however, juveniles have no right to a jury trial in California and no right to a speedy trial in the adult justice system. So, the case may languish for years. Young offenders (juvenile court) typically do not have the same rights and protections as adults. (WIC § 676)

Trials and juvenile court proceedings are called adjudication hearings. If an adjudication hearing is held, the child is found to have committed certain offenses, a dispositional hearing is scheduled. At the dispositional hearing, the state recommends a disposition. Generally, in mind that the overriding aim of the juvenile justice system is to rehabilitate the youthful offender and get them back on the right track. The judge may then place the child on probation, assess fines, seek restitution, assign the child to community service or place him or her in a halfway house or foster care. (WIC §§ 725, 727, 727.5, 730.5, 730.6, 730.7) A juvenile offender also may be sent to a juvenile camp or secure (locked) facility. (WIC § 730)

All final decrees from the juvenile court can be appealed to a higher court. (WIC §§ 389, 781) However, sealing or destroying a juvenile records is a complicated process. And neither may be possible if the child or illegal. Parents who allow or encourage children to commit dangerous or illegal acts, such as vandalism, will be held criminally liable. (See Kids In Need of Supervision)

Children who remain in custody or institution have been charged as delinquents and from the potential punishment. (PC § 243.83)

Rowdy Fan Law: If you try to distract a player or interfere with a professional sporting event by throwing an object onto or across the court or field, you will be breaking the law. Nor can you or your child, as spectators, enter the court or field during the event without official permission. If you violate this law, you could face a fine of up to $250 for an infraction. Owners of professional sporting facilities must post notices describing the illegality of such conduct and
**KIDS AND THE LAW**

**Parental responsibilities:** Parents’ most important responsibility is to support their children financially to provide their children with the necessities of life. Such necessities are not limited to food, clothing, and shelter, but also include medical care. In addition, parents are expected to support their children according to their ability and station in life; this means that the children should share the responsibilities of raising a family. (FC § 4053) This responsibility falls on both parents equally and applies to children’s adoptive parents as well. (FC § 8616) The failure to provide adequate food, clothing, shelter or parental care and supervision may lead to criminal prosecution for neglect. (PC § 270)

If a county is required to support a child, it can seek reimbursement from parents who are capable, but have refused, to provide such support. (WIC § 634) Parents are also required to reimburse the county for support costs incurred during the detention of a child under a juvenile court order. (WIC § 903) And parents must pay the court back for legal services provided to minors in juvenile court proceedings. (WIC § 903.3) The duty to support the supported child until the child reaches the age of majority (18), or if the child is still enrolled in high school, full-time. (FC § 3801) See (Emancipation for exceptions.)

The fact that a parent has not married does not affect the parents’ responsibility to support their child. (FC § 3800) If parents are unmarried or divorced, and cannot agree on how much each should contribute toward the support of their children, the courts may be called upon to decide. One parent, or the child responsible for up to $500 plus costs.

**Supervision and control of children:** Parents may be morally responsible for supervising and controlling their children. However, parents generally are not legally responsible for the acts of their children. (FC § 6000) There are exceptions. For example, if a parent encourages the child to commit a crime. If a parent is aware of the child’s misconduct and does not take reasonable steps to prevent it, the parent may be guilty of contributing to the delinquency of a minor. (PC § 272) Also, parents who know or should have known that their children engage in improper conduct, or who aid or encourage such conduct, may be held liable for their children’s acts. There are specific statutes that hold parents liable for certain harm caused by their children:

- **Injuries from guns:** Parents may be required to pay victims up to $60,000 if more than one person is injured. (CC § 1734.3)
- **Willful misconduct:** If the child causes injury or death to another, or property damage, the parents are liable for up to $25,000 in damages. (This could apply to the parents of a child who commits an Internet-related crime, such as software piracy.) (CC § 1734.3)
- **Graffiti:** Parents may be liable for the costs of removal, repair and/or replacement of property damaged or destroyed by graffiti. (FC § 394c; Govt. Code § 3872(b)) If there are repeated graffiti offenses, parents could be liable for up to $50,000 in fines that their children cannot pay. (PC § 394d(b))
- **Tear gas injuries:** Parents who have signed a minor’s consent form to obtain tear gas injuries may be liable for the child’s negligent or wrongful acts or omissions. (CC § 22815)
- **Truancy fines:** Parents may be required to pay a $50 fine for the fourth violation in one year. (EDC § 42634.5,6251)
- **Injuries to another on school grounds; damage to school property:** Parents may be liable for up to $10,000 and up to $15,000 for any reward. The school may withhold diplomas, or transcripts until these amounts are paid. (EDC § 45384)
- **Shoplifting:** If a child steals from a store or library, the parents may be responsible for up to $500 plus costs. (PC § 490.5(b))
- **Curfew violations:** Parents must pay the actual administrative and transportation costs incurred by the police for picking up and returning children to their homes on a second violation. (WIC § 625.3(c))

Help your children understand their rights and responsibilities. Here are a few pointers for parents to help protect your child in a good faith situation they are ever approached, questioned or arrested by police.

**Never struggle with police:** Resisting arrest (PC § 148) or assaulting a police officer (PC §§ 241, 243) are separate and additional crimes. Such charges may be brought even when the child is completely innocent of any underlying crime. In addition, resisting arrest or fighting with police officers is dangerous. Police carry weapons and are trained to use them if they believe they are in danger. If your child is injured by a police officer, however, photograph the injuries immediately, and note the officer’s badge number and the names of any witnesses.

**Respectfully decline permission to search.** Children have the same protections as adults against unreasonable searches and seizures under the Fourth Amendment of the U.S. Constitution. Generally, police are required to obtain a full-scale search of someone who has been placed under arrest if they believe the person has a dangerous weapon. (PC § 833) Such full-scale searches only extend to what the person has on his or her body and to places within the reach of the person’s arms without a warrant. Without an arrest, police can still do a very limited pat-down body search, but only to check for weapons. (PC § 833.5) Such searches are permitted for the officer’s protection.

No court is required for limited pat-down searches or for a search following an arrest. Another exception is when the minor is not under arrest and police ask for permission to search the minor’s backpack, locker or belongings. If the minor refuses, police may place a warrant on him or her for Fourth Amendment rights. Those Fourth Amendment rights are protected, however, if the minor respectfully declines the officer’s request to conduct a search.

**Remain silent.** When arrested, young people have the right to give only their name, address, parents’ names and phone numbers to police. They may refuse to answer any other questions until they have spoken to their parents and an attorney. (WIC § 625) If a juvenile starts answering questions, he or she may stop at any time. Just like adults, juveniles do not have to waive the Miranda advisements, which include the warning that anything they say to police can be used against them in court.

**Call your parents.** When taken to a police station, parents or other responsible person should be notified. If parents are not notified, the police will be giving up his or her Fourth Amendment rights. Those Fourth Amendment rights are protected, however, if the minor respectfully declines the officer’s request to conduct a search.

**Get your court date.** When released, juveniles should find out when they are due back in court. They should never be late for a court appearance, nor should they ever miss one. If the minor fails to show up on time, a warrant could be issued for his or her arrest. (W&I § 663)

**Don’t talk about your case.** Young people should avoid talking to anyone except their lawyer(s) or parent(s) about any criminal charges brought against them. They should, however, be encouraged to talk openly and honestly with their lawyer. Without all of the facts, an attorney may not be able to adequately defend the minor’s interests. If the child discusses his or her case with friends or anyone else, however, the police may be able to use such statements in court.

**Privacy at school**

- **Searches:** Privacy—the desire for it or the lack of it—is a concern to all. This is particularly true today when information about every aspect of our lives is stored in computers around the world, smartphones, tablets and digital cameras are all around us, and new technologies continue to emerge. Issues arising from individuals’ privacy rights come up in a variety of situations and settings. Young people, however, are usually most concerned about privacy-related issues that arise at school or at home, or that involve personal documents. Here are a few examples:

  **Privacy at school:** Parents and their children should understand that the U.S. Constitution protects only the reasonable expectation of privacy from government intervention. Whether a reasonable expectation of privacy has been violated and whether the state was involved has been points of controversy in privacy rights cases.

  Some two decades ago, the U.S. Supreme Court decided that while teachers were considered state agents who must respect the constitutional right to privacy, searches of students could be conducted as long as they were necessary for school safety. In the 1990s, the California Supreme Court found that searches were permissible if they were conducted as long as they were reasonable in the circumstances. In that specific case, a teacher found a 14-year-old student smoking in the bathroom (a violation of school rules) and took the teenager to the principal’s office. The assistant vice principal performed a search of the student’s purse and found cigarettes, marijuana and other paraphernalia. The court found the search to be reasonable under the circumstances.

  But such searches can go too far. In 2009, the U.S. Supreme Court held that a search of a 13-year-old’s backpack and outer clothing for drugs at school may have been justified under the circumstances, but a strip search was unconstitutional.

  Random drug testing of student athletes raises other issues. In 2002, the U.S. Supreme Court upheld a public school policy authorizing such testing. While the court agreed that urine collection is a search covered by the Fourth Amendment, it said that the reasonable expectation of privacy is established by the impact on the individual’s privacy rights with the legitimate governmental interests. Finding that student athletes have a lower expectation of privacy than other students, and that the procedure used was relatively unobtrusive, the court held that the invasion of the student’s privacy was permissible.

  In contrast, years earlier, the California Supreme Court found that the search of a student who was walking through the school grounds with his friends was unreasonable. The student seemed to be breaking the school’s no-bag policy and the principal principal. When the student refused to hand it over, the assistant principal took it by force, finding marijuana inside. The court found the search to be illegal since the

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assistant principal had no information concerning the student's use, possession or sale of drugs. The court noted: "Neither indiscriminate searches of lockers nor more discreet individual searches of a locker, a purse or a person, here a student, can take place absent the existence of reasonable suspicion. Respect for privacy is the rule—a search is the exception."

Privacy rights at home: Youngsters often ask if their parents can legally permit police to search their bedrooms. As a general rule, the answer is yes. Most courts have stated that parents or guardians have a property interest in the entire home and are allowed to consent to searches or to search it themselves. Also, courts have felt that children who remain at home are under the authority of their parents, which weakens the children’s privacy rights with regard to their rooms and the items in their rooms. This general rule, however, should not be taken too far. For example, roommates generally only have the authority to allow a search of areas they may use or common areas within the home (living rooms, for example). A California case out-lined some specific protections for minors regarding a child's personal property. The California Supreme Court held that a warrantless search of a minor's locked toolbox in the child's room violated the child's constitutional rights when the consent to search was only obtained from the parent.

Privacy and “private decisions”: This is an area of privacy that is of much interest to parents and their children. It involves questions of when, and if, children can make important, yet highly personal, decisions without their parents' knowledge. Parents who have custody of their child have the right to make many important decisions about their child’s life and life plans. In California, however, there are a number of circumstances in which youngsters have the authority to make decisions without parental involvement. Some of these situations include:
- When a child is 12 or older and seeks medical treatment related to an infectious, contagious or sexually transmitted disease. (FC § 6926)
- When a child is 12 or older and seeks medical treatment for rape. A medical care professional, however, shall attempt to contact the minor’s parents or guardian, unless he or she reasonably believes the minor’s parents or guardian committed the sexual assault on the minor. (FC §§ 6827, 6928)
- When a child is 12 or older and seeks medical treatment related to a drug or alcohol problem. (FC § 6926(b))
- When a child is seeking medical care related to the care and prevention of pregnancy. This includes birth control information and devices, and if the child is deemed sufficiently mature) abortion or any other care, short of sterilization.

California also has made it easier for youngsters who are 15 or older to obtain medical care when they show that they are living separate and apart from their parents and managing their own financial affairs. (FC § 6922)

And minors who are married, have joined the military or have received a legal emancipation are deemed sufficiently mature) abortion or any other care, short of sterilization. (FC § 6929(b))

What to do if your child is being bullied:

- Be supportive and get information about the bullying. Never tell a child to ignore bullying. The abusive behavior can become more serious if it is ignored.
- Contact your child's teacher, principal or caregiver. Do not contact the parents of the student(s) who bullied your child, and make sure you contact school officials or the caregiver if the bullying persists.
- Bullyproof your child. Help your child develop their talents and positive self-esteem. Demonstrate that if your child is being bullied because of a learning difficulty or lack of social skills, role-play and rehearse with your child about what to do or say when bullying occurs. But do not encourage physical retaliation ("Just hit them back").
- Make sure your child knows what cyber-bullying is. Tell your child to speak to you right away if they or someone they know is being bullied online. Tell them not to share embarrassing details or photos that could hurt someone else. Explain why they can’t post personal information online and which websites are off-limits. See the website www.stopbullying.gov for more information and tips.

Possesses a firearm, knife or other dangerous object at school.

Sells a controlled substance, except for a first offense of selling less than one ounce of marijuana.

Commits robbery or extortion (blackmail).

In addition, a student can be expelled for committing any of the acts for which suspension would be appropri-
ate if other means of correction are not feasible or have failed, and if the student’s misconduct poses a danger to
other students. Students are usually entitled to defend their actions at a hearing. What might lead a parent to challenge a child’s suspension or expulsion from school?

If the child was suspended or expelled for violating a rule that was not communicated to the child.

If the child was not told what he or she was accused of if, the act was not defined as behavior that could result in a suspension or expulsion, or if the child was never given the opportunity to explain his or her side of the story.

If rules at the school are arbitrarily or discriminatorily enforced.

If the basis of the school’s action is related to tardiness, truancy or another school absence (see Truancy).

If the school did not follow the mandated due process procedures or its own district rules.

If the child is disabled and the behavior for which he or she was being suspended or expelled relates to that disability.

If the child says that he or she did not engage in the behavior charged by the school.

Can my child’s teacher use physical force to punish students?

No. It is against the law for teachers or school administrators to use corporal punishment (hitting or slapping a student). However, school officials can use force to protect themselves or quell disturbances that threaten physical safety, in self-defense, or to confiscate dangerous weapons or objects. (Ed.C § 49001)

Are there school rules prohibiting bullying?

Such rules or policies would depend on the particular school—and the circumstances. Bullying can involve hitting, name-calling or other harassment. Or it can be a barrage of intimidating photos or comments posted on the Internet. It can happen at school, at home or in cyberspace (see The Internet, Cell Phones and Computers)—and data sug-
gests that it may be common. In one survey, nearly half of the children ages 9 to 13 said they had been bullied. In another, one in six children ages 6 to 11 had heard “mean, threatening or embar-
rassing” things said about them or to them via email, instant messages, social networking websites, chat rooms or text messages. California law states that students and staff have a consti-
tutional right to be safe at school. The Bullying Prevention for School Safety and Crime Reduction Act of 2003 established a statewide school safety cadre to help improve school attendance and reduce violence and school crime, including bullying. In addition, California schools are required to develop comprehensive safety plans aimed at preventing crime and violence on campus. (Elec. §§ 32270, 32280, 32282, 35183 et al) If your child is a victim, see What to do if your child is being bullied on the previous page. For more information, visit www.stopbullying.gov.

What is hazeing—and is it illegal?

Students sometimes use hazeing as a way to initiate fellow students into a club or fraternity. It can range from practical jokes to life-threatening activities. In California, hazeing is illegal if it is meant to degrade or injure a fellow student. Hazing is a misuse of coercion or trickery to acquire sex. In most cases, forcible rape is a crime of

Engaging in lewd or lascivious acts with a minor who is 14 or 15 can lead to a year in jail or three years in prison if the victim is at least 10 years old than the victim. (PC § 288.5(c)) Children are also forcibly raped. Forcible rape involves the use of force, fear, coercion or trickery to acquire sex. In most cases, forcible rape is a crime of violence. When a child is the victim, the rape usually occurs in one of three ways: The child is preyed upon by strangers; he or she is victimized by an acquain-
tee, relative or a spouse (incest, child abuse or spousal rape); or the boy or the victim is taken by a relative or a spouse (incest, child abuse or spousal rape). For committing such a crime, a rapist could face 15 years to life in prison. (PC § 269)

What should a young person know about rape?

If a young person has been raped, it should be reported to the police, and the victim should seek immediate medical help and professional advice. Many counties in California have victim assistance programs, sexual trauma centers and rape crisis hotlines. These programs are often associated with a county district attorney’s office and work with the state to help find and pro-

cure the rapist. Such programs also offer counseling, financial assistance and other services to help victims overcome the trauma associated with being raped.

In California, young people who are 12 or older may, by law, consent to medical care related to rape or sexual assault without their parents’ consent. This legal right applies to treatment from medical doctors, psychiatrists, psychologists and men-

SMOKING

Kids and the Law

It is against the law in California for minors to have sex or for anyone having sex with a minor. This is true in spite of a recent survey suggesting that nearly 50 percent of high school students have had sexual intercourse. The only exception to this law is if a minor is married to his or her sexual partner.

It is illegal to have sex with a minor who is accused of statutory rape laws. These laws make it legally impossible for a minor (someone under 18) to con-
tact the perpetrator. The law is intended to protect boys and girls from a person who is 14 or older and is not more than three years older than the victim is guilty of a misdemeanor. If the person is more than three years older, however, he or she may be found guilty of a felony and sentenced to a prison sentence in county jail or state prison. In fact, a person over 21 who has in sex with someone younger than 16 can be sent to state prison for two to four years. (PC § 261.5(d))

In addition, a separate California law prohibits inadulteral sexual intercourse. It is legally defined as an act of sexual intercourse with anyone who is not the spouse of the perpetrator. (PC § 261.5(e)) The law is intended to protect boys and girls from a person who is 14 or older and is not more than three years older than the victim is guilty of a misdemeanor. If the person is more than three years older, however, he or she may be found guilty of a felony and sentenced to a prison sentence in county jail or state prison. In fact, a person over 21 who has in sex with someone younger than 16 can be sent to state prison for two to four years. (PC § 261.5(e))

What should a young person know about rape?
tobacco products are sold to a minor, a young person who possesses false identi- 
**Schools and School Rules**

California law requires most children between the ages of 6 and 18 to attend school or classes fulltime. (Ed.C §§ 48200) by law, those who are absent without a valid excuse for three or more days during a school year, or who are tardy more than 30 minutes without a valid excuse on three occasions in a school year, are truants. Any student who is absent without a valid excuse for 10 percent or more of the school or classes fulltime.

A full-time work permit is available to a minor aged 14 or 15 if, among other things:

- A parent or guardian presents a sworn statement that he or she is incapacitated or the death of one of the parents causes the family to need the minor’s earnings.
- A minor is unable to live with his or her family and needs earnings to survive.
- The minor is in foster care or lives with a guardian and obtains written permission from the foster parent, guardian or social worker.

Children who are 16 and older can obtain full-time work permits. Those 18 and older no lon- 

er need such a permit. A few industries are exempt from the age restrictions in the child labor statutes. For example, children of any age may perform in television, movies or theatrical productions. (Lab.C §§ 1298, 1307, 1391) Work permits are issued by the state superintendent of instruction, an authorized school district or a designated school administrator. To obtain a work permit, the minor and his parents or guardians must provide the state with the minor’s school record (grade and attendance), evidence of age and a written statement from the prospective employer confirming that the work is available. The parent or guardian also must describe the type of work and produce a health certificate from a doctor stating that the child is physically fit to perform such work. (Ed.C §§ 49110, 49117, 49139)

### Labor laws:

The second category of laws that regulate children at work are state specific laws. These laws are intended to regulate employment practices and the type of work that young people are permitted to do. Violation of these laws carries civil and criminal penalties. Such laws outlaw the use of minors in dangerous occupations, for trouycling (the unauthorized use of a motor vehicle) is distinguished from auto theft because there is often no actual intent to keep the car permanently. Instead, the intent is to take the car temporarily and drive it without the owner’s consent. This is not to say that those who take someone else’s car for the purposes of a ride necessarily return it or even wish to—only that they do not intend to keep it. When theft is overtly treated as a misdemeanor, the minor could be trans- ferred to adult court and could face a fine of up to $10,000 or four years in prison, or both, if he or she takes an ambulance, police car or fire vehicle, or a vehicle modified for use by a disabled person. (VC § 1085(b))

### TRUANCY

California law defines a minor as a child who is in kindergarten or grades 1-8 and the parent fails to “reason- 
hably comply and encourage” school attendance at the funeral of an immediate family member. (Ed.C §§ 48260-69; VC § 1391(a)(3))

A justifiable personal reason, including a court appearance, observance of a religious holiday or ceremony, or an absence requested in advance by a parent and approved by the school. (Ed.C § 48205)

A medical reason, illness, quarantine, medical or dental appointment, or attendance at the funeral of an immediate family member. (Ed.C § 48205)

A religious reason, training or a release-time plan whereby the child shall attend school for at least the minimum school day. Individual school districts have the discretion to allow or prohibit absences for religious training. (Ed.C §§ 46014)

Children excused from public school for justifiable reasons must be allowed to make up the work taken and will be given full credit for that work. (Ed.C § 48209(b)) Children who are 14 years old and older, for example, are permitted to work. Violation of these laws carries civil and criminal penalties.

A criminal complaint also can be filed against a parent who fails to comply with a school attendance review board or court order. (Ed.C § 48291) This means the parent could face a fine, court-ordered attendance in a parent education and counseling program or even, in certain cases of chronic truancy, jail. If the chroni- 

**STEALING**

Students and staff are permitted to keep school property, but the parent or guardian also must describe the type of work and produce a health certificate from a doctor stating that the child is physically fit to perform such work. (Ed.C §§ 49110, 49117, 49139)

A full-time work permit is available to a minor aged 14 or 15 if, among other things:

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### WORK PERMITS

In 2008, California’s minimum hourly wage was $7.50, however, pending state legislation would increase it to $9.25 in 2025. Non-exempt employees must be paid one-and-a-half times their regular pay rate for work in excess of eight hours in a day or 40 hours per week. (Lab.C §§ 530, 1197) In some instances, however, employers may pay less to minors or trainees.
Taxes: Young people may be required to file federal and state income tax returns. (IRS Publ. 929) Generally, filing requirements for a dependent child (a child who is receiving more than half of their support from their parents and is under the age of 19 or a full-time student under age 24) are the same as for the other U.S. citizens or resident. In short, a dependent child must file an income tax return if:

- The minor has earned income or unearned income in excess of the basic standard deduction ($5,950 in the tax year 2012).
- The minor has total earned and unearned income in excess of the basic standard deduction ($5,950 in the tax year 2012).
- These amounts may differ from year to year, and are different if your child is married or blind. Also, if the child is a full-time student, he or she may be claimed as a dependent until age 24. To qualify as a student, your child must have attended school during some part of five different months in the calendar year (not necessarily consecutive months) and must be one of the following:
  - A full-time student at a school that has a regular teaching staff, course of study and regularly enrolled student body in attendance.
  - A student taking a full-time, on-farm training course given by a school or state, county or local government.

Note: A dependent child’s income is not included on a parent’s return even though the parents have the right to these earnings and may have actually received them. If a dependent child with taxable income cannot file an income tax return, a parent or guardian must file it for the child. Also, if your child cannot sign her return, you should sign your child’s name followed by the words “parent (or guardian) for minor child.” Finally, the minor child’s tax is not paid, the parents (or guardians) may be liable for that tax.

However, if a child is under the age of 19 or 24 if he or she is a full-time student at the end of the year), the child does not have to file a return if a parent elects to include that child’s unearned income on their own tax return in any of the following circumstances:

- The child had unearned income only from interest and dividends.
- The child had unearned income of less than $9,500.
- The child made no estimated tax payments during the year.
- The child received no overpayments on his previous return and no federal tax was withheld.

LEGAL TERMS

Adjudicatory hearing: the procedure used to determine the facts in a juvenile case; similar to an adult trial but generally closed to the public.

Aggravating factors: factors that might increase the seriousness of an offense. The presence of these factors may be considered by the judge and jury.

Aid and abet: to actively, knowingly, intentionally or purposefully assist someone in committing a crime.

Appeal: to resort to a higher court for the purpose of obtaining a review of a lower court’s order. If a defendant is convicted, this is also the defendant’s initial appearance, when the judge informs him or her of the charges and sets the bail.

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

Best interests of the child: the standard that courts use when deciding issues involving custody and visitation rights, or whether to approve adoptions and guardianships. It requires the courts to consider many factors, such as the health of the parent or guardian; the child’s preference; and the ability of the parent or guardian to provide the child with food, shelter, clothing and medical care, before deciding what is in an individual child’s best interest.

Beyond a reasonable doubt: the level of proof required to convict a person of a crime. It does not require that one be “convinced 100 percent.” It does mean, however, that there should not be any reasonable doubts as to a person’s guilt.

Burden of proof: the obligation of a party to prove his or her allegations during a trial.

California Youth Authority: a group of people who control secure facilities for repeat offenders or youthful offenders who have committed serious crimes.

Civil action: a lawsuit brought by one or more individuals against another person or business, or the government, for the purpose of redressing private wrongs.

Conspiracy: an agreement between two or more individuals to commit a crime, along with an agreement to begin the crime.

Contributing to the delinquency of a minor: the act of aiding or encouraging improper conduct of a minor.

Conviction: (v.) a person who has been found guilty of a crime and is now in prison; (v.) to find a person guilty of a crime or wrongdoing.

Crime: an act or failure to act that violates a law for which a penalty is set by the state.

Defendant: the person against whom a claim is made. In a civil suit, the defendant is the person being sued; in a criminal case, the defendant is the person charged with committing a crime.

Delinquent offender: a minor who has committed an offense usually punishable by criminal processes. Such offenders are usually processed through the juvenile justice system.

Detention facility: a juvenile hall, camp or ranch.

Disposition: the word used in the juvenile justice system when referring to the outcome of a Juvenile Court proceeding; similar to “sentencing” in adult court.

District attorney: an attorney who tries to show that an accused person is guilty. In juvenile court, this attorney decides whether or not to bring the juvenile to court and recommends a disposition as well.

Disposition program: a special program for handling minors (first offend- ers) with problems; it is meant to be used by, for example, police, probation officers and juvenile courts to keep certain juveniles out of further involvement in the juvenile justice system.

Due process: a term used when rights are involved. It means that you will be given advance notice of all hearings and that you have a right to present your side; legal procedures must follow a set of rules and principles that are meant to guarantee justice and fair play.

Felony: a serious criminal offense punishable by a jail or prison sentence of more than one year.

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

Guardian ad litem: a person appointed by the court specifically to protect the interests of a minor in a lawsuit or other legal proceeding.

Homicide: the killing of another person. Homicide can be either murder or non-criminal.

Hung jury: the situation in which a jury cannot reach a unanimous decision.

Initial hearing: a preliminary examination of the validity of a youth’s arrest, during which the juvenile court must prove that an offense was committed and that there is reasonable cause to believe the youth committed it.

Intent: to achieve a particular end by particular means.

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

Juvenile court: courts established by a state to hear matters involving young persons under the age of 18 who have either been abused or neglected by their parents or found to be outside the control of their parents, or who have committed a crime.

Juvenile hall: a locked facility where minors are placed prior to a court hearing.

Legal defense: a legally recognized excuse for a defendant’s actions, such as implied consent, privilege and self-defense, which may remove liability for certain offenses.

Manslaughter: the killing of a person without malice or premeditation, but during the commission of an illegal act.

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

Misdemeanor: a criminal offense, less serious than a felony, punishable by a jail sentence of one year or less.

Mitigating factors: factors that may lessen the seriousness of an offense. The presence of these factors may be considered by the judge and jury.

Murder: the unlawful killing of a person with malice aforethought.

Negligence: failure to exercise the care that a reasonable person would exercise in the same circumstances.

Obstacle of the evidence: the standard of proof generally used in civil suits. To prevail, the party must present sufficient evidence in court to show that his or her claims are more likely to be true than not.

Probable cause: a reasonable belief, known personally or through reliable sources, that a person has committed a crime.

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

Prosecution: suing someone in a civil case or trying someone on criminal charges.

Public defender: an attorney who is paid by the county to defend those without money who are accused of committing crimes.

Reasonable person standard: the idealized standard of how a community expects its members to act. It is based on the degree of care that persons of ordinary prudence would exercise in similar situations.

Reefer/commissioner: appointed by the juvenile court judge. Has the same power as the judge.

Restitution: money paid to victims by the offender to make up for harm or damage done.

Self-defense: the right to defend oneself with whatever force is reasonably necessary against an actual or reasonably perceived threat of personal harm.

Self-incrimination: giving evidence and arguing questions that would subject one to criminal prosecution.

Status offenses: acts that are illegal if committed by a juvenile (truancy or running away from home, for example).

Statutes: laws enacted by legislatures.

Statute of limitations: laws that set deadlines for when a lawsuit must be filed.

Ward: a person incapable of managing his or her own affairs and for whom the court steps in to make decisions.
The California Bar Foundation believes everyone should be aware of their legal rights and responsibilities. Every day, we fund projects increasing the public’s understanding of the law and available legal services, because an informed citizenry is critical to all Californians.

We are proud to partner with the State Bar of California to educate parents and children about their rights, responsibilities and legal challenges. *Kids and the Law: An A-to-Z Guide for Parents* provides valuable information about the laws, benefits and services available to parents and their children. We hope you will share this helpful resource with others who serve and work with children.

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Warmest regards,

Frederick Brown, President
California Bar Foundation

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