
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 protection of 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 alcoholic beverages served to anyone 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 a guardian of any of the participants. (BPC § 25620)

Some states have even taken it a step further and have made it a crime for a social host to allow any person under 21 to drink alcohol on the premises. This is a particularly tough law because it is hard to prove that an adult was in control of the minors at the time they consumed the alcohol. This is one reason why social hosts need to be very careful about whom they serve alcohol to. To learn more about this, read our article on social host liability.

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

Yes, under certain circumstances. If a bar operator serves alcohol to an underage, obviously intoxicated patron who later causes a car accident, for example, that operator would be civilly liable for the resulting injuries (except for those sustained by the drunken, underage 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 death as well. (BPC § 25602.1)

Some states, however, have statutes that provide an in pari delicto defense to alcohol-related personal injury claims. This means that the bar operator is not liable if both the defendant patron and the plaintiff victim are equally at fault for the circumstances that led to the accident. Always check the laws of the state where the incident occurred to see if it has such a provision.

KIDS AND THE LAW | KIDS AND THE LAW | KIDS AND THE LAW

Bicycle riders and skaters 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.

There are also laws that apply to those who use skateboards, skates, scooters, snowboards and skis. Cities and counties have laws regulating the places where your child may skate and the equipment that must be worn by skaters within these designated areas. Helmets, elbow pads and knee pads must, by state law, be worn at skateboard parks. (BPC § 22370) It is against the law to hold a moving vehicle while on a bike, skateboard or scooter. (VC § 22020) If your child violates any of these laws, he or she may be stopped by a police officer, cited and sent to juvenile traffic court. (VC § 226)

In addition, children under age 18 must wear a bicycle helmet while riding a scooter (motorized or non-motorized). Minors must be at least 16 years old and have a valid driver’s license or instruction permit to legally operate a motorized scooter, and may not operate such scooters on sidewalks or on highways that have speed limits greater than 25 mph. (VC §§ 407.5, 22133)

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 § 17010)

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

TRAFFIC LAWS

CARS KIDS AND

Pass a vision exam.
Provide his or her Social Security number.
Verify birth date and legal presence.
Have his or her picture taken.
Pay the application fee.
Pass the written examination on traffic laws and signs.

Once all of these steps have been completed, the DMV will issue your child a learner’s permit. If the minor is more than 17 1/2 years old, he or she can obtain such a permit without the education or training requirements. It is illegal for a permit holder to drive alone. A parent, guardian, spouse or adult (age 25 or older) with a valid license must be in the car at all times and be able to take control of the vehicle if necessary.

To get a provisional license (VC § 12814.6), 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, 2335) 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 signing 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 hours 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 his or her family. (VC § 12513) In addition, a student driver’s license may be obtained by a student who is 15 and is taking driving training in a public, parochial or private secondary school with the consent of the school principal and parents. (VC § 12560)

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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 or other financial coverage must be carried in the vehicle at all times. (VC §§ 16020, 16026) A driver could be fined up to $200, plus penalty assessments, for an offense of driving without proper insurance. (VC § 16029)

**Laws that young drivers should know**

Smoke-free cars and kids: It is illegal to smoke inside a car if any of the car’s occupants are under 18. 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 §§ 118497 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 §§ 13351(a)(2), 23103-23105)

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, impose fines 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 and dangerous. Dozens of teens have been hurt and, in some cases, killed while riding in car trunks. If a driver allows someone to ride in the trunk, he or she has broken the law as well. (VC § 22172)

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. Drivers under 18 are prohibited from talking on cell phones, text-ing or using any mobile device while driving – except to place an emergency call. It is illegal for anyone to drive while using an “electronic wireless communications device” or 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)

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 §§ 15500-15507)

Hit and run: In California, you must stop after any accident in which someone is injured or someone else’s property is damaged. You must also 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 only property damage is involved, failing to report such damage or otherwise notify the property owner is a misdemeanor. (VC §§ 23123, 23124)

Littering and throwing objects: It is illegal to litter or throw any other kind of refuse 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 $1,000 fine and probation. The offender would be ordered to pick up litter or clean up graffiti. (VC §§ 23110-12, 42001.7)

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 who 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., 23592)

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 § 27315) In addition, children must be secured in federally approved safety seats until they turn 8 or are 4 feet, 9 inches tall. Children also must sit in a back seat unless there is no such seat or all rear seat elements are prohibited by children under 12. (VC §§ 27360-27360.5) 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) Nor is it legal in California to leave a animal in a parked car if the temperature is high or there is a lack of ventilation, for example — could cause the animal to suffer or die. (VC § 597.7)

Wearing headsets or ear plugs: Headsets or ear plugs in both ears 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 suspended or revoked for a year in such circumstances. (VC § 13351.1)

**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 vehicle may be 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 § 23244)**

In addition, it is illegal for anyone under the age of 21 to drive a vehicle if he or she has a blood-alcohol concentration (BAC) of 0.01 percent or more. (VC § 23136) For adults who are 21 or older, the illegal BAC is higher, 0.08 percent or more. (VC § 23152)

**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, blood 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 the age of 21 did consume 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 revoked until he or she reaches the age of 18, or for one year, or for even longer if he or she has committed prior offenses. (VC § 13353.2)

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 or impound the vehicle, a he or she would be delayed in receiving one. These sanctions would remain in effect until the minor completes the court-ordered program or reaches age 21. (VC § 23521)

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. (VC § 1681.025)

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., 11164-11166.5)

Those 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 youngster could be at great risk. And unless it can be proven that you knowingly filed a false report, you cannot be held liable if you are wrong.

**Will the alleged abuser find out that I filed a report?**

It depends. You can remain anonymous unless you are a mandated reporter.

**What is a mandated reporter?**

Because abused and neglected children are at such great risk, individuals in certain professions are required by law to report suspected child abuse. A list of so-called mandated reporters generally includes teachers, school personnel, doctors, nurses, police officers and firefighters, as well as certain other professionals who regularly come in contact with youngsters. Mandated reporters must notethat individual state laws may differ — and file a written report as well within 36 hours. They simply must have a “reasonable suspicion” that abuse or neglect has occurred; they do not have to have any specific medical indication. (PC §§ 11165.7-11174.8)
How common is child sexual abuse?

There are signs that child sexual abuse is on the decline. Unfortunately, sexual abuse of children remains a pervasive problem. A 2012 report from the National Sexual Violence Resource Center said one in four girls and one in six boys will be sexually abused before they turn 18. For a child, it can be a disaster because the abusers use physical violence or verbal threats to silence a child. If your child has told you he or she has been abused, report it to authorities. If you suspect abuse, but don’t have proof, call a child’s advocacy center. To find one, go to the National Children’s Alliance’s website at www.nca-online.org.

CIVIL LAWS AND LAWSUITS

In general, legal actions are divided into two categories: civil and criminal. Civil actions are lawsuits (often between private individuals or businesses) in which someone sues someone else for monetary damages (money) or something else to compensate or offer protection for a wrong that was committed. When a child is involved in an accident, the child’s parent or guardian could be left alone in a car (see Laws That Young Drivers Should Know on the previous page).

In civil cases, both parties have the right to representation by counsel. In criminal cases, however, the state has the burden of proof and the defendant is presumed not guilty, unless proven otherwise. The law requires that a child be beyond a certain age before he or she can be tried as an adult. If a minor is charged with a crime, he or she may be tried as an adult if the law allows it.

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 day 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)(3))

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 the birth, the lawsuit (other than medical malpractice suits) must be filed within six years of the birth. (CCP § 340.1) 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 25 years old. For a minor to bring a suit within three years of turning 18, he or she must have been in the care of a parent or guardian. (CCP § 340.4)

- Lawsuits alleging sexual abuse can be brought until the person is 18 (CCP § 340.11) or until the child is emancipated. (WIC § 601(a))

- Most curfew ordinances do not expressly state the maximum number of years an offender can be charged with a violation. (PC §§ 300, 800)(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 “remaining” 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 habitual curfew violator may be declared a ward of the court and be treated as a status offender. (WIC § 6010(a)(see Juvenile Court) 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 local police can also give a minor 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 § 625.5(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 inform your child of specific guidelines given to police officers who deal with young curfew violators.

DRUGS AND KIDS

A 2014 survey funded by the National Institute on Drug Abuse (NIDA) showed a decline in the use of prescription pain medicine, inhalants and other illegal drugs by high school students. The same survey showed, however, that more than one in four high school students had used an illegal drug at least once in the past year. And a growing number of youths do not see using marijuana as harmful to their health.

Still, drug abuse among young people remains a serious problem — and parents are often the last to know when their children are in trouble.
The use and abuse of certain prescription drugs, including painkillers, has raised concerns. According to a 2015 national update by NIDA, 4.4 percent of high school seniors used Vicodin and 7.7 percent used amphetamines for nonmedical purposes. One opportunity to get these drugs is Adderall, a prescription drug used for treating attention deficit and hyperactivity. About 7.5 percent of teens have used Adderall. Teenagers often raid medicine cabinets and hold so-called pharming parties to trade and sample medicines.

The number of children using over-the-counter cough and cold medications for recreational purposes is also troubling. Surveys have shown that after marijuana, teens most frequently abused prescription drugs and over-the-counter medications. Health experts fear that youths may not fully realize the risks because many drugs they abuse, such as cold medicine, are sold over the counter.

Other abused drugs by young people include tranquilizers, anabolic steroids and so-called club drugs, such as MDMA (more commonly known as “ecstasy”). Certain club drugs have been associated with sexual assaults as well. Usually the drug is slipped into an unsuspecting victim’s drink, making them unconscious, dizzy and vulnerable to assault.

For more information, go to www.clubdrugs.gov.

What could happen if my child is arrested for drug possession?

It depends. The laws that regulate drugs exist at the federal and state level. Most of the federal laws deal with large-scale drug trafficking, an activity in which many children are not involved. (see “ecstasy”). Certain club drugs have been associated with sexual assaults as well. Usually the drug is slipped into an unsuspecting victim’s drink, making them unconscious, dizzy and vulnerable to assault.

For more information, go to www.clubdrugs.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 §§ 7120, 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. Therefore, it is unknown whether 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 § 7140) In California, an emancipated minor cannot sign a last will and testament or a power of attorney. This is a process 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 of the United States. (PC §§ 242)

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 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 § 7120)

The minor’s parents are heard, the minor’s guardian or other person entitled to custody must be notified, unless the minor can show that their address is unknown or that notice cannot be given for some reason. (FC § 7121)

One judge must find that it is in the minor’s best interests to be emancipated. If circumstances change after the emancipation order has been granted, the court has the power to rescind the order and notify the minor’s parents.

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 certain other 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 physical injury or damage to property, 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 anyone. (PC §§ 242, 242.4) Assault is considered a battery in which the attacker harms 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 § 242)

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 paramedics, animal control officer or an emergency medical technician doing his or her job, the punishment is greater. (PC §§ 242, 242.4, 242.6) Also, if the assault is committed on school or park property or with the use of a deadly
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 § 241.2)

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 public service
or medical personnel, the potential punishment would increase. (PC §§ 241.2, 243.1, 243.6) (Juv.
venile Court Act)

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 the children 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.
(§ 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 brothers or other even 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 some cases, the police, while often deferring to parents, can arrest the offender and refer the
matter to court.

Traditional 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 §§ 186.20-186.21) Enhanced law enforcement by the police under section 21 and the imple-
mation of the Gang Violence and Juvenile Crime Prevention Act of 1998, the Street Terrorism Enforcement and Prevention Act pro-
vides more severe penalties for those who commit gang-related crimes, including
committing a violent felony. In association with a criminal street gang, if convicted and sentenced as an adult, require minors to be fingerprinted, photograph-
ged, and registered with local police. In some cases, if convicted with a felony and
registration for 10 years of their release from custody. (PC § 186.30,186.32)

A criminal street gang is a group of three of more individuals whose primary intent is to com-
mit one or more specific criminal acts and whose members have been involved in a pattern of crimi-
nal gang activity. (PC § 186.220) Such criminal acts include, for example, assault with a deadly
weapon, the sale or transportation of controlled substances, robbery, homicide, kidnapping,
identity theft and carrying a concealed or loaded firearm. (PC § 186.225)

Parents of gang members can, in certain circumstances, be ordered to attend anti-gang
group classes if their child is a member of a gang-related offense as a first-time offender. (WIC § 727.7) They can be prosecuted and held criminally
liable for their child’s gang-related activities as well. If the parents fail to exercise reasonable
supervision and control over their minor child, they can be charged with
contributing to the delinquency of a minor. (PC § 272) By law, such
neglect is punishable by up to one year in jail and a $2,500 fine. (PC
§ 272a(h1)) (See Parents’ Rights and Responsibilities.)

In addition, recruiting or coercing someone to participate in a criminal street
gang (or preventing someone from leaving the gang) can lead to five years in
prison if the offending minor is charged as an adult. If the targeted recruit was a
minor, three more years will be added to the sentence. (PC § 186.26)

Anti-gang injunctions: Some cities in California and other states have been granted
civil injunctions restricting the members of certain gangs from gathering together
in business establishments or public places. Such injunctions may prohibit the gang members from,
for example, wearing clothing that bears gang insignia or talking on cell phones in
certain areas. A person may be held guilty of court, a misdemeanor, for violat-
ing the terms of an anti-crime street gang injunction. (PC § 166 (a) (10) (See Juvenile
Court)

Dress codes: Restricting gang colors and dress is another way in which
California cities have tackled gang-related problems. In recent years, legislation has given
public school officials more authority to ban gang-related apparel and to require
students to wear school uniforms. Many educators believe that tighter restrictions on
dress and dress codes can reduce discipline problems and encourage greater coop-
eration, school spirit and academic achievement as well. In developing a school dress
code or uniform policy, however, parents must be included in the decision and must
be given at least six months’ notice of the new dress policy’s effective date. They also
must have access to resources and funding assistance, if needed, to acquire uniforms.
In addition, the dress policy must be part of a larger school effort to combat real or
threatened problems on campus, and parents must have the option of excluding
their children from the uniform requirement. (E.d.C § 35180b, 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 Gang Violence and Juvenile Crime
Prevention Act seek to discourage involvement in street gangs, it is the participation in crimi-
nal gang-related activities, not gang membership, that will enhance the punishment for acts
committed in association with a gang.

Graffiti 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 unau-
thorized inscription, word, figure, mark or design that is written, marked, etched,
scratched, drawn or painted on real or personal property. (PC § 594)

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, anywhere within 100 feet of a highway or freeway overpass
supports, sound walls or traffic signs. (PC §§ 640.5, 640.7, 640.8) It is also 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)

How severely a so-called tagger — someone who does graffiti — will be pun-
ished depends on the extent of the damage and the tagger’s previous history, if any,
of graffiti 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 § 594.1) (See Juvenile Court)

In addition to fines and jail time, a conviction in a probation or detention facility, courts also can order 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)

Churches, movie theaters and office buildings in most cases, however, will not want to take the
bail bonds of truants. The law, however, provides a way for a minor to become eligible for a
three-year parole, however, both would be charged.

Finally, vandalism that poses particular dangers to the public, is directed toward aliens, is racially moti-
vated or stems from feelings of religious hatred or perse-
uation 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 § 594d)

• The costs of repairing and replacing destroyed property. (Gov.C. § 38772; PC
  § 594c)

• Damage to school property or rewards offered to find the person respon-
sible for the damage, up to $10,000. (E.d.C § 48040a(1))

• Willful misconduct, including the defacement or destruction of property
through the use of paint or similar substances. (CC § 1714.3)

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

Dog on a leash: Does your younger 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, 597t; HSC § 122335)
Parents’ Rights and Responsibilities.

Even before the growth in gun ownership and rise in shootings, kids were vulnerable to gun violence. But a 2014 study now shows that one in three teenagers lives in a home where there are guns, and of those, 40 percent has access to the weapon and can fire it.

Laws regulating the possession and use of guns and other dangerous weapons in California are broad and vary in their intent. Some are aimed at regulating the size or type of weapon, while others focus on how the firearm or weapon is used or carried. For minors, the law is very clear.

It is illegal for a minor under age 16 to possess a handgun unless he or she is accompanied by a parent or responsible adult. (Even adults cannot carry a concealed firearm unless they have a special permit.) If the minor is 16 or older, he or she may only possess a handgun for self-defense or live ammunition with the written permission of a parent or guardian, and may only possess these items for legal purposes such as recreational sports. (PC §§ 29815, 29855) In addition, certain less than lethal weapons, such as a remote-firing stun gun, cannot be sold to minors.

And to buy a direct-contact stun gun, the minor would have to have a parent’s consent and be at least 16. (PC § 22610)

Some types 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 had its identifying numbers removed, as well as silencers. (PC §§ 33290, 33220, 33410)

Illegal items (including items to manufacture, import, possess, sell, give or even lend to someone) include any black jack, nunchaku, metal or composite knuckles, dirk, dagger, belt buckle knives, loaded cans, zip guns, lipstick case knives, writing pen-knives and unregistered blank pistol ammunition. (PC § 16250) On the topic of weapons and fireworks, parents should be aware that:

- If your child is caught with a dangerous weapon — or trying to sell one — at school, he or she could be suspended or expelled. This punishment is in addition to any criminal charges that might be filed against your child. (EDC §§ 489900(b), 48915) (See Schools and School Rules)
- Simply exhibiting a weapon in a rude or angry way is a misdemeanor. (PC § 417) Even if the firearm is fake, it is a misdemeanor to display it in a manner that frightens someone or causes someone to believe that he or she is in danger of being injured. (PC § 417.4; Ed.C § 48900(m)) It also can be cause for suspension or expulsion from school.
- If a parent gives a gun to a minor or leaves it where the child could get it, and someone winds up injured or fatally shot, the parent could be liable for up to $30,000 for the death or injury, or the injured person’s property. If more than one person is injured or killed, the parent could be held liable for up to $60,000. (CC § 1714.3) And parents who have negligently given their child a gun can be prosecuted for criminal negligence if the youngest uses the gun to injure or kill someone.

- Using a weapon during 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 so-called drive-by shooting, for example — the driver could face up to three years in detention facility or, if someone is injured or killed, even longer. (PC § 26100)
- Firing a gun — even a BB or pellet gun — in a grossly negligent manner that could result in injury or death is illegal. (PC § 246.3)
- It is illegal for any retailer to sell or transfer any safe and sane 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(b))

Hate Crimes and Hate Speech

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 also classified as hate crimes. (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.
- Threatening a person who does not share the same political beliefs.
- Attack a child for being gay or transgender.
- Peeking at a child’s gay relationships or behavior.
- Threatening a person of a different race or religion to force them to stop their behavior.
- Looting a store or business that is owned by a person of a different race.
- Destroying someone’s property because they are from a different race.
- Assaulting a person because of their sexual orientation.
- Assaulting a person because of their gender identity.
- Assaulting a person because of their religious beliefs.
- Assaulting a person because of their political beliefs.
- Assaulting a person because of their national origin.
- Assaulting a person because of their disability.
- Assaulting a person because of their sexual orientation.
- Assaulting a person because of their gender identity.
- Assaulting a person because of their religious beliefs.
- Assaulting a person because of their political beliefs.
- Assaulting a person because of their national origin.
- Assaulting a person because of their disability.

The Internet

Social networking. Texting. Blogging. Today’s children play games and learn about the world online. They know as much as you do — or more — about smartphone, texting, Facebook and other social media. More than nine out of ten own a smartphone to find information online, many of them on a daily basis. Although this 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. If they download certain material, your children could be breaking the law — and you, as the parent, could be liable.

What is sexting?

Kids are already familiar with using phones for taking photos and videos. But not all children know that sharing photos, especially nude or sexually revealing ones, can be a crime.

Tell your child not to take or send nude or suggestive photos and videos. But if an adult fails to show up. Just setting up such a meeting is a misdemeanor that could lead 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 USC § 4202(b))

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 seek 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 lead 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 USC § 4202(b))

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

Should I worry about online sexual predators to my child frequently send you or to the internet?

There is a risk. Monitor his or her internet use — and openly discuss the dangers. Spending time online can be a beneficial learning 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” encouraged online. In a 2013 Pew Research Center survey, more than 95 percent of 12- to 17-year-olds were online and 81 percent used social media. Many use the internet to communicate with their friends and make new friends. The problem is that a new friend they think is only 14 years old could actually be a 43-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
Social networking, sexting and cyberbullying:

Guide to Internet Safety, which is available online at www.fbi.gov (go to About Us and click on Reports and Publications). For more internet safety information, visit the websites listed at the bottom of this page.

Sexual predators and cybersex

Here are some tips to help your child avoid becoming a victim:

• Communicate with your child about what sexual victimization is and the potential dangers of going online.
• Spend time with your child online.
• Keep your electronics in a common room in the house, not in your child’s bedroom.
• Use the parental controls offered by your Internet service provider and/or blocking software. Although electronic chat can be a great place for children to make new friends and discuss various topics of interest, it is also preyed on by sexting.
• Always know the password to your child’s online account so you can randomly check his or her e-mail.
• Teach your child the responsible use of online resources.
• Find out what the computer safeguards are at your child’s school, the public library and the homes of your child’s friends.
• Understand that even if your child was a willing participant in any form of sexual exploitation, he or she is not at fault and is the victim.
• Make sure your children know the rules before letting them use a computer, tablet or smartphone:
  - Never arrange a face-to-face meeting with someone they meet online.
  - Never upload (post) pictures of themselves onto the Internet or online service or to people they do not personally know.
  - Never give out identifying information such as a name, home address, school name or telephone number.
  - Never download pictures from an unknown source.
  - Never respond to messages or bulletin board postings that are suggestive, obscene, belligerent or harassing.
  - Advise them that whatever they are told online may or may not be true.

Source: Federal Bureau of Investigation, Innocent Images National Initiative

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 this term vary. To some, sexting is when a young person sends or posts a sexually explicit image or message to a peer via a cell phone or smartphone. Others include sexually suggestive images and messages in the definitions. According to some surveys, roughly one in five teens has admitted to sexting or posting a nude or semi-nude photo of themselves. Some teens believe the messages and photos will not be shared and remain private for the recipient. But sexting and other forms of cyberbullying can have other serious, unintended consequences. Such material can easily be transmitted to countless others online — leading to embarrassment and humiliation. Depending on the nature of the message and/or photo, it could (and 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 seduce the young person. 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, 311.1(a), 311.1(f) (W/E); PC § 626.28) 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 your area, go to icactraining.org.

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 or 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. Surveys of teenagers suggest that up to one in four were the victim of cyberbullying 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 freedom of speech. A California law gives school administrators grounds to suspend or recommend expulsion for students who are caught cyberbullying in certain circumstances. 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 contacts, obscene language 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 credibly impersonating a real person on a website or by other electronic means. (EC §§ 3226, 48900; PC §§ 422.6, 463.9; 633, 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.

Computers, the internet and theft

California law prohibits:

• Pitting or downloading copyrighted material, such as music. (PC §§ 502(c), 13848)
• Accessing someone else’s computer without authorization. (PC § 502(c)(7))
• Devising and executing schemes to obtain money, property or services with false or fraudulent intent through a computer. (PC § 502(c)(11))
• Deleting, damaging or destroying systems, networks, programs, databases or components of computers without authorization. (PC § 502(c)(4))
• Disrupting or denying access to the authorized users of a computer. (PC § 502(c)(5))
• Introducing contaminants or viruses to a computer. (PC § 502(c)(8))

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 than the better option. In many states, juvenile courts serve three distinctly different groups of children.

First, there are children who have committed an act that by an adult would be considered criminal. These children are often called delinquents or 692 kids. The number 692 refers to the Welfare and Institutions Code section that specifically relates to delinquents.

Second, there are children who have committed certain status offenses. 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, 320, 360)
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 temporarily 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 in 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 similar to those 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 §620) 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)

Detaiened 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 has a right to a lawyer and has most of the procedural 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 be held in adult criminal facilities. (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 § 676)

Trials and juvenile court proceedings are called adjudication hearings. If an adjudication hearing is held and a child is found to have committed certain offenses, a dispositional hearing is scheduled. At the dispositional hearing, the state recommends a disposition, keeping in mind that the overriding aim of the juvenile justice system is to rehabilitate delinquent offenders 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 §§ 385, 800) and most juvenile records may be sealed or destroyed with the appropriate request to the court. (WIC §§ 389, 781) However, sealing or destroying juvenile records is a complicated process. And neither may be possible if the child has been convicted of a felony or a misdemeanor involving moral turpitude, or if some other time has passed since the child’s conviction. Records usually can be sealed five years after the juvenile court’s jurisdiction is terminated or when the child turns 18. Once sealed, the minor’s records may not be opened for inspection unless ordered by the court. (WIC §§ 389, 781)

Children in need of supervision — once referred to as wayward youth — are defined by law (WIC §601) as children under 18 who:

- Persistently or habitually refuse to obey the reasonable and proper orders of their parents, guardians or custodians.

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 the potential punishment. (PC § 243.83)
Parental responsibilities: Parents' most important responsibility is to support their children. Parents are required to provide for 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 in both parents’ standard of living. (PC § 4853) This responsibility falls on both parents equally and applies to children's adoptive parents as well. (FC § 4816) 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 § 41477) Parents also are 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 county back for legal services provided to minors in juvenile court proceedings. (WIC § 8003) The duty to support a child 18 years old or the custodial parent neglects to do so, that person may recover the reasonable value of child support costs from a stepparent or other person who provides support to a child in good faith. (FC § 3900) 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 through a guardian ad litem, may bring an action against the other parent to enforce the duty to pay child support. (FC § 4000) Alternatively, the county may proceed on behalf of a child to enforce the child's right of support against a parent who fails to provide it. (FC § 4003) A judge may order one parent to make specified payments to the other parent or child support. (FC § 4050) The court's authority to order a parent to pay child support or to enforce such an award includes the following: a contempt proceeding for the willful refusal to pay required child support. (FC § 3900) The court may order a parent to pay child support costs for a child in good faith. (WIC § 663) Natural parents, stepchild or state would not be required to reimburse such costs if the support was provided voluntarily, unless there was a specific agreement to do so. (FC § 3900)

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 § 4000) There are exceptions. For example, if a child commits a felony, the parent may be held liable for the harm caused by the child. If the minor fails to return borrowed school property: (WIC § 625.5(e)) If a minor is arrested, the parents may be required to, if asked, to state the charges. If a child's parents cannot afford to hire a private attorney, the child is entitled to have a court-appointed attorney represent him or her in juvenile court proceedings. (WIC § 634)

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 return borrowed school property, the police may be able to use such statements in court. 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 have been points of controversy in privacy rights cases.

Injuries from guns: Parents may be required to pay victims up to $60,000 more than one person is injured. (CC § 174.3)

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 § 174.3)

Graffiti: Parents may be liable for the costs of removal, repair and or replacement of property damaged by graffiti. (PC § 3900) If the parents know or should have known that their child engages 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 § 174.3)

Tear gas injuries: Parents who have signed a minor's consent form to obtain tear gas may be liable for the child's negligent or wrongful acts or omissions. (PC § 22815)

Truancy fines: Parents may be required to pay a fine for the fourth violation in one year. (ED & L § 48264.50(23))

Injuries to another person on school grounds; damage to school property: failure to return borrowed school property: Parents may be liable for up to $10,000, and up to $10,000 for any reward. Students may be required to, if asked, to state the charges. If a child's parents cannot afford to hire a private attorney, the child is entitled to have a court-appointed attorney represent him or her in juvenile court proceedings. (WIC § 634)

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 return borrowed school property, the police may be able to use such statements in court.

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 related to 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 decisions. Here are a few examples:

Privacy at school: Children's rights to privacy are protected by a number of laws. For example, students have the right to expect their privacy to be respected. This includes the right to know what is happening to their property. Students also have the right to expect their property to be protected from theft and damage. Students also have the right to expect their privacy to be respected when they are in the presence of adults. Students also have the right to expect their privacy to be respected when they are in the presence of adults. Students also have the right to expect their privacy to be respected when they are in the presence of adults. Students also have the right to expect their privacy to be respected when they are in the presence of adults. Students also have the right to expect their privacy to be respected when they are in the presence of adults. Students also have the right to expect their privacy to be respected when they are in the presence of adults. 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fore, finding marijuana inside. The court found the search to be illegal since the 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, have a sufficient connection with the facts ante, and the circumstances, to place about 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 par- ents can legally permit police to search their bedrooms. As a general rule, the answer is yes. Most courts have stated that it is the duty of the parents or guardians, as the custodians of the entire home and are allowed to consent to the search of that property or to search it themselves. Also, courts have held that, even if the child is a minor, the parents have an interest in the contents of their child's room. 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 outlined 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 par- ent.

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 impor- tant, 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 or authority, shall attempt to contact the minor's parents or guardian, unless he or she reasonably believes the minor's parent or guardian committed the sexual assault on the minor. (FC § 6927, 6929)
- When a child is 12 or older and seeks medical treatment related to a drug or alcohol problem. (FC § 6926.06)
- 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 formal court decree acknowledging their emancipation need not confer with their parents regarding any decision. (PC § 496)

Some young people mistakenly believe that buying a stolen item is not wrong because they themselves did not steal it. Receiving stolen property is a crime regardless of the item's value. If the stolen property's value is more than $950, however, the punishment for the crime is increased. (PC § 489)

To be guilty of such a crime, the person receiving the property must know that it was stolen. (PC § 486) Such knowledge can be proven in court with circumstantial evidence. This means that if the jury will examine all of the facts to determine whether the person knew that the property was stolen. How much was paid when compared to what the item would cost in a store? Was there an attempt to flee from police or to hide the items? From whom and where were the items purchased? Was there any identifying marks removed from the items?

Do children have a right to special education if they need it?

Yes, if the child is found to be eligible. Under the federal Individuals with Disabilities Education Act (IDEA), school districts must offer a free appropriate public education to eligible children who are not in private schools. Schools by their parent or guardian. (For children enrolled in private schools and related services.) The process can start with a parent's written request for an assessment. The district must respond within 15 days and, if the request is denied, must provide a written reason for the denial. If an assessment is conducted, the district or school may develop an individualized education program (IEP) for the child. If the child is found to be eligible, the IEP must be developed within 30 days of the evaluation. The IEP must include a statement of what special education and related services are necessary for the child's education. No child should be held back a grade if he or she needs special education. And still others are mandated by state or federal law. Knowing the kind of school rule with which you are dealing is important if you want to challenge the rule. For example, the law lists circumstances under which a child can be suspended or expelled. (Ed §§ 48900 et seq., 48915)

What are the grounds for suspension?

A child can be suspended if he or she threatens to hurt someone, hits another student, or gets caught with a gun (even a fake one), drugs or cigarettes. Children also can be sus- pended for damaging property, trying to steal something or regularly using profanity. Disrupting school activi- ties or willfully defying a teacher’s author- ity could lead to suspension as well. And these are just a few examples.

However, a child should only be suspended as a last resort. If a child is not entitled to a free public education, he or she may request an informal review in response to an offense that took place at a school, while traveling to or from a school, during the lunch period (at school or elsewhere) or while attending or travel- ing to or from a school-sponsored activity.

In addition, sexual harassment, hate violence or threats, or bull- lying, including cyberbullying (see The Internet, Cell Phones and Computers) by students in grades 4-12 can be grounds for suspension. (Ed § 48900, 48903) For example, the law lists circumstances under which a child can be suspended or expelled. (Ed §§ 48900 et seq., 48915)

Finally, in certain circumstances, the school must notify police when a pupil has been suspended. This is particularly true if the reason for the suspension was a viola- tion of the Penal Code. (Ed § 48902)

When can a child be expelled from school?

Many of the same rules also apply to expulsions. But the school principal or superintendent must recommend expulsion (unless circumstances make it inappro- priate) for any student who does the following:

- Causes serious physical injury to another, except in self-defense.
It is against the law in California for minors to have sex or for anyone to have sex with a minor. This is true in spite of 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.

Laws have changed to have sex with minors are called statutory rape laws. These laws make it legally impossible for a minor (someone under 18) to consent to sexual intercourse. The act is considered rape even if the minors are in love and freely enter into the sexual relationship. (Ed.C §§ 49431.2, 49431.5)

In California, statutory rape is called unlawful sexual intercourse. It is legally defined as an act of sexual intercourse with any minor who is not the spouse of the perpetrator. (PC § 261.5(a)) The law is intended to protect boys and girls alike. 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 any attempt to have sex with a minor with impairment in county jail or state prison. In fact, over a person who has in sex with someone younger than 16 can be sent to state prison for two to four years. (PC § 261.5(a))

In addition, separate California law prohibits unlawful lascivious acts (child molestation) with a minor. Sexual intercourse is not an element of this crime, and consent is not an issue. Anyone who commits such a crime with a child under 14 could face felony charges. If the sexual abuse of a minor age 14 occurs three times or more over a three-month period or longer, the abuser could face stiffer punishment. (PC § 288.3) 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 abuser is at least 10 years older than the victim. (PC § 286(c)(3))

Children are also forcibly raped. Forcible rape involves the use of force, fear, coercion or trickery to acquire sex. In most cases, the rapist is the child's older brother, or the child is taken advantage of 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 psychological assistance. 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 find help and prosecute 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 mental health counselors, as well as those acting as chief administrators of programs that provide counseling to rape victims. (FC §§ 6820, 6927-28)

Police reports involving rape are confidential and customarily are released only to the prosecutors and defense attorneys or by court order. (Evid. C §§ 626) This means that when the victim is a minor and the minor’s parents want to see the rape report. The only exception to this rule is when the victim’s parent is accused of the rape or sexual molestation.

The good news is that cigarette smoking has declined since the mid-1990s. A 2015 CDC report said cigarette smoking among high school students dropped to 9.2 percent in 2014 compared with 15.8 percent in 2011. The bad news is that teens’ use of electronic cigarettes rose dramatically, from 1.5 percent in 2011 to 12.4 percent in 2014. Many teens are unaware that using e-cigarettes, known as “vaping,” can be just as addictive and harmful.

California has enacted laws over the years aimed at preventing the use of tobacco by minors. It is illegal to sell tobacco to any person under age 18, receive or possess tobacco products in California. (If an elementary or secondary school student is caught smoking or using tobacco products at school or attending a school-sponsored activity, he or she could be suspended or expelled as well. (Evid. C § 49032) This is true even when the victim is a minor and the minor’s parents want to see the report. The only exception to this rule is when the victim’s parent is accused of the rape or sexual molestation.

Cutting calories and soda in schools? Under recently revised guidelines, schools can now only sell certain beverages (milk and drinks with at least 50 percent fruit juice, for example) — and no soda. Also, schools have had to cut the caloric, fat and sugar content in some snacks and entrees. (Generally, for example, no high school entrees can contain more than 400 calories under the new guidelines.) (Evid. C §§ 49431.2, 49431.5) There are, however, exceptions — certain school fundraisers, for example, or a parent’s delivery of cupcakes to a classroom to help celebrate a child’s birthday.
The legal term for theft is fraud. The legal definition for theft, stealing, or taking money, property or services with the intent to deprive a person of their right to it.

There are two degrees of theft: grand and petty theft. Grand theft is a felony and can be charged if the theft exceeds $950. Petty theft is a misdemeanor and can be charged if the theft is $950 or less.

California law requires most children between the ages of 6 and 18 to attend school or be enrolled in a full-time day school. Individual school districts have the discretion to allow or prohibit full-time day school requirements.

A minor is unable to live with his or her family and needs earnings to survive.

Children who are 16 and older can obtain full-time work permits. Those 18 and older no longer 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. 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 grade and attendance, evidence of age and a written statement from the perspective 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.

Labor laws: The second category of laws that regulate children at work are state labor codes. 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. Some laws outlaw the use of minors in dangerous occupations, for example, or in jobs that might put the child at risk of being exploited. (Lab. C. §§ 1285-1312, 1390-99) With some exceptions, minimum wage and overtime pay is the same for adults and minors. (Lab. C. §§ 204, 29 U.S.C. 205, 207, 214 a-d, 29 U.S.C. 205, etc.)若年者に対する労働法制は、年齢により異なる場合があります。労働者の労働条件や賃金については、専門家に相談することをおすすめします。
**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 or intentionally help someone commit a crime.

**Appeal:** to resort to a higher court for the purpose of obtaining a review of a lower court's order. The person who seeks such a review is called an appellant or the person against whom a claim is made. In a civil suit, the defendant is the person against whom a claim is made.

**Arenaiment:** 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 parent or guardian's health; the child's preferences; whether the parent or guardian will 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 "100% certain." 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.

**Civil action:** a lawsuit brought by one or more individuals against another person or business.

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

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

**Conviction:** (n.) 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.

**Damages:** money awarded by the court to be paid by a person who has wronged another in a civil law action.

**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 charged with committing a crime.

**Defendant:** 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 delinquency case, similar to a "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 represents the interests of the district attorney.

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

**Due process:** Mirrors and their parents are guaranteed due process under the law. The right to a fair and speedy trial, the right to have an attorney who is paid by the county to defend those without money who are accused of committing crimes.

**Employment:** non-exempt employees must still be paid one-and-a-half times their regular pay rate for working more than eight hours a day or 40 hours per week. (Lab C §§ 510, 1197) In some cases, employers may pay less to minors or trainees.

**Exempt employees:** may be paid at a rate of one-and-a-half times their regular pay for working more than eight hours in any work week. (Lab C §§ 510, 1197) In some cases, employers may pay less to minors or trainees.

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

**Guardian:** a person 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 to represent the interests of a minor in a lawsuit or other legal proceeding.

**Homicide:** the killing of another person. Homicide can be criminal, non-criminal or negligent.

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

**Initial hearing:** a preliminary examination of the validity of a person's arrest. The purpose is to determine whether an offense was committed and 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 juvenilers 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 lawyer who is paid by the county to defend those without money who are accused of committing crimes.

**Lawyer:** an attorney who is paid by the court to represent the interests of a minor in a lawsuit or other legal proceeding.

**Legally recognized excuse:** actions, such as implied consent, privilege and self-defense, which may remove liability for certain offenses.

**Malicious mala:** the unlawful killing of a person with malice aforethought.

**Self-incrimination:** statements that might incriminate 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.

**Statute:** a law made by the people to govern and regulate certain matters.

**Statutes:** laws enacted by legislatures.

**Status offenses:** acts that are illegal if committed by a juvenile (truancy or running away from home), and to Robert Perez for his legal review of this guide. The guide was illustrated by Don Asmussen.

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The California Bar Foundation believes everyone should be aware of their legal rights and responsibilities. We are proud to partner with the State Bar of California to educate parents and children about their rights, responsibilities and legal challenges. This guide provides valuable information about the laws, benefits and services available to parents and their children. We hope you will share this resource with others.

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Warmest regards,

Julie Taylor, President
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