



**ILLINOIS STATE
BAR ASSOCIATION**

Illinois State Bar Association
424 South Second Street, Springfield, IL 62701
800.252.8908 217.525.1760 Fax: 217.525.9063

BECOMING AN ADULT: Your Legal Rights and Responsibilities at Age 18

INTRODUCTION

This booklet highlights some of the many ways your legal rights and responsibilities change when you reach 18 and become an "adult" in many ways. The objective is to help you understand some of your rights and help you avoid problems.

We have summarized legal principles that were in effect on the publication date. This book does not offer legal advice and it cannot cover everything. If you have a specific question you should check the sources mentioned in the booklet or talk with a lawyer.

Two fictional scenarios are provided at the beginning of the book. These stories may help stimulate discussion in the classroom on certain sections of the booklet.

There is a reference section at the back of the booklet that refers to the specific chapter of Illinois Compiled Statutes (ILCS) that contains information on the topic (for instance, jury duty, contracts, and marriage and divorce). Many of the chapters cover numerous subjects. If the reader is interested in conducting further research into a specific area, find the correct chapter in the statutes and check the subject index for that chapter to find the relevant paragraph or section.

The Illinois State Bar Association's Committee on Law-Related Education for the Public wishes to thank the Wisconsin Bar Foundation for graciously granting permission to base the text of this booklet on their publication. Thanks, too, to the members of the Law-Related Education Committee, The Young Lawyers Division Section and the Law Student Division of the Bar Association for adapting the text to Illinois law.

Special thanks are also extended to Richard Schmitz, Frank Kopecky, and Suzanne Schmitz, LRE Committee members who revised the work to Illinois law, and to Mark Mathewson (ISBA staff) for editorial work.

This booklet was last updated in 2006 and some laws may have changed.

Find additional law-related education materials on the Illinois State Bar Association's Website,

<http://www.isba.org/committees/lawrelatededucationforthepublic>

CONTENTS

JASON'S STORY	page 3
KRISTI'S STORY	page 3
GENERAL PRINCIPLES	page 5
VOTING	page 7
MILITARY SERVICE	page 9
JURY DUTY	page 10
ALCOHOL AND OTHER DRUGS	page 12
DRIVING	page 14
TENANT RIGHTS AND RESPONSIBILITIES	page 17
CONTRACTS	page 20
EMPLOYMENT	page 22
CONSUMER PROTECTION	page 23
CREDIT	page 25
MARRIAGE, DIVORCE, AND CHILDREN	page 27
CONSENT TO MEDICAL TREATMENT & SERVICES	page 31
CRIMINAL CHARGES	page 32
SEXUAL CRIMES	page 33
REFERENCE SECTION	page 34

JASON'S STORY

Jason is two weeks shy of his nineteenth birthday. He had been dating Wendy, a classmate, since their freshman year. He and Wendy had planned on getting married but broke up two months ago. He has recently heard a rumor that Wendy is pregnant. He confronts Wendy, who confides that she is pregnant, that the baby is his, and that she is planning on keeping the baby and raising it as a single parent.

(Can Jason and Wendy get married without their parents' consent?)

Jason explains that he had planned on going to college and will not have much money to contribute to the baby, but Wendy says that's o.k.; her parents are very well off and money shouldn't be a problem. Jason explains the situation to his parents that evening. After they calm down, his father calls Wendy's father to discuss the situation.

Wendy had not yet told her parents, and her father is furious. He asks Jason's father to hand the phone to Jason, and tell him that he "doesn't give a hoot what my daughter said, we're going to court and you are going to have to support this child until at least it's 18th birthday." Jason tries to explain that he has no money and plans to go to college. Wendy's father replies, "That's your problem. You should have thought of that before you got Wendy pregnant. This child is your responsibility and the law requires that you do your part. You better get used to the idea and get a job."

(Is Wendy's father right? Does Jason have to support the child? If he denies he's the child's father, will the situation change? What will Wendy need to do to prove Jason is the father?)

KRISTI'S STORY

Kristi is a senior in high school. She made a deal with her parents that if she worked and saved money for two years after her sixteenth birthday, they would match whatever she had saved toward the purchase of a car. Kristi had a good job as a waitress in a nice restaurant, but tended to spend the money she earned on clothes. By her 18th birthday, she had saved only \$700. True to his word, her father kicked in \$700 and she bought an old car the day after turning 18.

(Kristi is listed as principle owner and driver of the car. Does Illinois require insurance?)

Her father explained that since she would be moving out soon, she should get her own insurance for the car, and made her an appointment with his insurance agent. Kristi showed up for the appointment but did not think the insurance agent was being honest with her, because the price seemed so high. She took all the paperwork so that she could talk with her father about it the next day.

That evening was the last cheerleading practice of her senior year, and she and the other senior cheerleaders went out after practice to celebrate.

She and the other cheerleaders stopped at a fast food restaurant and were in the drive-through lane, when someone in a passing car called her name. She looked away for a second and in that second, the car rolled forward and hit the car in front of her in the fast-food lane. She didn't think the impact had been that hard, but when she got out of the car she could see that the whole back end of the sports car she had hit was scratched and dented. The driver of the car didn't get out, but sat in the car holding his knee. He said that he had hit it on the dash at the time of the impact and it was beginning to really hurt. After getting her name and phone number, he left for the hospital to get it checked out.

(What steps should be taken when you are involved in a traffic accident? Did Kristi and the other driver do the right thing?)

Kristi didn't give the accident much thought, until she received a form from the Secretary of State asking for information about the accident and her insurance carrier. The form said that driving without insurance could subject her to a fine of \$1000. That same week she got a letter from the sports car driver's insurance company, explaining that it had paid \$15,000 for the repair of the car and medical treatments for the driver, and that since she was responsible for the accident, she would have to reimburse them for these payments.

Kristi thought there must be some mistake, so she called the insurance company. The person on the phone explained that the company would sue Kristi if she refused to pay, and if she refused to pay after they obtained a judgment, her driver's license would be suspended.

(Can her license be suspended? Who has the right to suspend the license? The Secretary of State? Kristi's parents?)

GENERAL PRINCIPLES

Q: What does it mean to become an "adult?"

A: You have new rights associated with being independent. Just as importantly, you also have new responsibilities and are legally and personally accountable for your actions.

Q: When do I become an "adult?"

A: In Illinois, you are considered an adult in criminal court when you turn 17. For most other purposes, you are treated as an adult when you become 18.

Q: So when I reach age 18 I have all the rights of an adult under Illinois law?

A: Yes, except for the right to drink alcoholic beverages.

Q: Is the "age of majority" different for men than women?

A: No.

Q: Do people under 18 have any rights?

A: Yes, though they are not the subject of this booklet. Search your library or contact a lawyer for more information on your rights as a minor.

Q: What are some of the rights I have after age 18 that I didn't have before?

A: You have the right

* to vote

* to make a will

* to sue in your own name

* to make a contract (rent an apartment, buy a car, take out a loan) in your own name

* to get medical treatment without your parents' consent

* to be completely independent from parental control (if you no longer live in their home)

* to apply for credit in your own name

Q: What are some of the responsibilities I have after age 18 that I didn't have before?

A.:* Criminal charges against you will be tried in adult criminal court, not juvenile court, at age 17.

* Parents generally no longer have to support you; however, divorced parents sometimes must provide child support for those over 18.

* Others may sue you on contracts you make.

* You are eligible for jury duty.

* If you are a male, you must register for the military draft.

* You may be sued for child support

VOTING

Q: What are the requirements for voting?

A: You must be 18 or older, a U.S. citizen and a resident of Illinois for 30 days before the election. However, if you have been an Illinois resident fewer than 30 days, you may vote where you lived before. If you have recently moved from one part of the state to another, you can vote at the polling place in your new precinct by presenting an affidavit obtained through the State Board of Elections. If you will turn 18 fewer than 30 days before the election you can vote, but you must still register at least 30 days before the election.

Q: What kind of information will the registration form require?

A: You will be asked to complete a form which lists your full legal name, home address, date of birth, telephone number (optional), ID number (the last four or six digits of your social security number are requested), your choice of party (you may leave this blank or write "no party"), race or ethnic group (again, this is optional), and your signature which will affirm that you meet all the requirements for registering to vote in Illinois:

* A citizen of the US

* will be a resident of Illinois and your election precinct for at least 30 days before the next election

* will be 18 years of age by the next election

* are not in jail or on parole for a felony conviction

* do not claim the right to vote anywhere else.

Q: Where do I vote?

A: Your local government establishes places to vote ("polling places"), usually at a school, city hall or a similar place. For information on your polling place, contact your county clerk or the local government official in charge of elections. If you will be out of the area on an Election Day, you may obtain an absentee ballot (see below).

Q: Where do I register to vote?

A: Students can register at school as Illinois law allows a school principal or a person designated by the principal to register students from that school. Local governments also establish other registration places. You may register to vote at a local office of the Secretary of State (driver facilities). Illinois is fully implementing the National Voter Registration Act (NVRA) of 1993 throughout the state. Since October of 1996, when litigation ceased, Illinois has operated under a unitary system of registration. This means that registered voters are eligible to vote the full

ballot. Voter registration opportunities are available by all methods mandated by the NVRA: state drivers license facilities, social service agency registration and mail registration.

Q: May I vote if I have not registered before Election Day?

A: No.

Q: May college students vote in the city where they go to school?

A: Yes, if you register to vote in that city or show a change of residence from your hometown. Otherwise, your residence for voting is determined by where your parents vote, or wherever your permanent address may be.

Q: May I vote if I will not be in my voting district on Election Day or cannot appear at the polling place?

A: Yes, you can vote by absentee ballot if you apply in advance for an official ballot—contact your county clerk for more information.

Q: If I'm convicted of a crime, may I still vote?

A: A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, loses the right to vote. The right to vote is restored upon completion of the sentence.

MILITARY SERVICE

Q: Who is required to register for the draft?

A: If you are a male citizen or male alien residing in the United States you must register within 30 days of your 18th birthday. You may register up to 120 days before your 18th birthday. This is known as Selective Service registration.

Q: At what age can I enlist in the Armed Forces?

A: You may enlist at 17 with your parents' consent. Without their consent, you may enlist between the ages of 18 to 35.

Q: How do I register?

A: If you are a young man approaching 18, go to a local post office and fill out a registration form (you must give your name, address, sex, date of birth and Social Security number). You will not get a physical examination or be classified for the draft when you register.

Q: Will draft cards be issued when I register?

A: No. If a draft is called, Western Union Mailgram will notify you. The Mailgram will order you to report for a physical examination and processing. It will also give information on exemptions and deferments. A "tear off" portion of the letter you receive acknowledging your registration may be used as proof of registration.

Q: What can happen if I do not register?

A: You could be convicted of a federal crime punishable by up to five years imprisonment and a fine up to \$250,000. Also, you may have to show proof of registration to be eligible for federal college financial assistance and federal job training assistance programs.

JURY DUTY

Q: If I'm called to serve on a jury, do I have to go?

A: Yes, unless you are excused for a special reason. Failure to reply, or giving fraudulent grounds to avoid jury service may constitute contempt of court, punishable by fine or imprisonment.

Q: How are people called to serve on a jury?

A: Once a year the clerk in your county prepares a list of the names of potential jurors from a combined listing of registered voters and driver's license records. Questionnaires are sent to those people to find out whether they are qualified. Some counties qualify and summon with date certain to serve in one mailing. When a jury is needed, names are chosen at random from the list and those people are summoned to appear at the courthouse for jury selection. From this panel, jurors are selected to serve on a trial.

Q: Does everybody in the jury panel actually serve on a jury?

A: No. More people are chosen than will be needed because some people are automatically excluded and the judge or the lawyers might exclude others.

Q: How do I qualify for jury service?

A: You must be 18 or older, a U.S. citizen, not too ill or disabled to serve, and able to understand English. Also, you must live in the jurisdiction where you are called to serve.

Q: Will a judge excuse me from jury service?

A: You will be excused if you are not qualified or if you:

- * have served within the last year in a trial
- * are suing or being sued in a case pending in that court
- * are too biased to decide the case impartially

The judge may also excuse you if jury service would cause you extreme inconvenience or if there are other special circumstances.

Q: Are people with certain jobs automatically excused from jury service?

A: Only those on active duty in the Illinois National Guard or the Illinois Naval Militia are automatically excused. You should report active duty status to the court to make sure you are excused. There are no other automatic excuses based on your job.

Q: Can I serve on a jury if I'm 18 but still in high school?

A: Yes.

Q: How are people chosen from the jury panel for actual jury service?

A: Names are chosen at random from those called for jury duty. The judge and lawyers ask general questions and excuse people for various reasons. Lawyers can ask the judge to excuse someone for a special reason such as bias, prejudice or financial interest in the case. Each lawyer is also allowed to eliminate a certain number of people for any or no reason. The number of people who can be eliminated for no reason varies according to the type of case.

Q: Do people on a jury lose their salary?

A: It depends on the employer. Employers must give employees time off for jury service but need not pay them.

Q: Does the county pay jurors?

A: Yes, at a rate set by each county. You are paid a set amount for each day plus mileage.

ALCOHOL AND OTHER DRUGS

Q: Can the state change the drinking age?

A: Yes—buying beer or liquor is considered a privilege rather than a right.

Q: Can the drinking age be different for beer and liquor?

A: Yes. Many states have different ages.

Q: What is the drinking age in Illinois?

A: The drinking age in Illinois is 21 for all alcoholic beverages.

Q: What are some ways an underage person can violate Illinois' drinking laws?

A: Underage drinkers violate the law when they:

- * possess alcohol on a public street or in a public place
- * drink alcohol, unless as part of a religious service or ceremony
- * lie about their age to get alcohol
- * occupy a residence and knowingly let someone under 21 possess alcohol
- * rent a hotel or motel room knowing that the room will be used for illegal drinking.
- * carry, make, obtain, or copy a false identification card.
- * operate a motor vehicle with any alcohol in their system.

Q: If I'm underage, can I be in a tavern or other "drinking establishment?"

A: Yes, (1) if a local ordinance allows it, (2) if you're accompanied by a parent, guardian, or spouse of legal drinking age, or (3) if you're employed there.

Q: What are the penalties associated with underage persons and violations of Illinois' drinking law?

A: OFFENSE: Illegal sale/furnishing of alcohol

PENALTY-FINE/JAIL: Up to \$1000 and/or 364 days

OFFENSE: Illegal possession

PENALTY-FINE/JAIL: Up to \$500 and/or 6 months

OFFENSE: Use of false identification card (can be charged as either a felony or a misdemeanor).

PENALTY-FINE/JAIL: The penalty can range from a possible fine of \$10,000 or 3 years in jail.

OFFENSE: Occupying a residence where people under 21 possess alcohol

PENALTY-FINE/JAIL: no more than \$1000 and/or 364 days in jail

OFFENSE: Renting a hotel/motel room for illegal consumption

PENALTY-FINE/JAIL: penalty now up to \$1000 and/or 364 days in jail

Q: What is the "zero tolerance" law?

A: This law provides that if you are driving a motor vehicle and have any amount of alcohol in your system and are under the age of 21, you are subject to penalties of license suspension from 3 months to two years.

Q: Does Illinois' drinking law provide any special penalties for underage drinkers convicted of DUI?

A: Yes. If you're under 21 and convicted of DUI, you can be ordered to participate in a program that includes visits to morgues to observe DUI accident victims or visits to facilities that treat DUI victims.

Q: Are there special laws that apply to people 18 or over who sell drugs to people under 18?

A: Yes. For those 18 or over, the Illinois Cannabis Control Act provides for a sentence of up to twice the usual maximum term for delivering cannabis to someone who is under 18 and at least 3 years younger than the deliverer. Those convicted under this law cannot be treated as first offenders, which means they lose the chance to have the conviction wiped from the record after a successful term of probation. Also, anyone 18 or older who delivers any controlled, counterfeit, or look-a-like substance to a person under 18 may also get twice the usual prison term. And, anyone who manufactures or delivers drugs on or within 1,000 feet of a school, park, or residential property owned by the state may suffer increased penalties, as may a person 18 or over who hires someone under 18 to manufacture or deliver drugs.

Q: Do any laws apply to drug paraphernalia?

A: Yes. Any one who deals in drug paraphernalia (pipes, roach clips, etc.) for profit may be fined up to \$1,000 for each item. Anyone 18 years of age or over who sells or delivers such items to someone under 18 for profit commits a felony. Possession of drug paraphernalia is punishable by a fine of up to \$1000 or 364 days in jail.

DRIVING

Q: Is driving a right or a privilege?

A: It is a privilege that the state can regulate.

Q: Are my parents liable for my accidents after I turn 18?

A: Generally, no.

Q: Do I have to buy car insurance?

A: Yes. Anyone who owns a motor vehicle registered in Illinois must insure against liability for collision.

Q: What happens if I'm stopped for drunk driving?

A: Before making an arrest, the officer might ask you to perform field sobriety tests (such as walking a straight line) or to take a preliminary breathalyzer test. You may refuse to take these tests without penalty.

Things change, however, if the officer places you under arrest. An arresting officer may request a breath, blood or urine test, whichever he or she chooses. The officer will tell you that (1) you are considered to have consented to the test; (2) if you refuse to take the test, or take it and have a blood alcohol level of 0.08 or more, your license will be suspended (this is called a statutory summary suspension); and (3) you may have a test of your choice at your expense in addition to the one given by the police.

If you take a test and show a blood alcohol level of 0.08 or more, the officer will issue you a ticket, called a notice of statutory summary suspension, take your license and tell you that after a 45-day waiting period your license will be suspended. You can request a hearing to fight the suspension. If you do not request a hearing, your license will be suspended for (a) 3 months starting 46 days after your arrest for a first offender, (b) one year if you are not a first offender. The definition of a first offender can be somewhat technical so you should consult a lawyer if there is any question.

If you refuse the test, the officer will give you a notice of statutory summary suspension. You can request a hearing to fight the suspension. If you do not request a hearing, your license will be suspended for (a) 6 months starting 46 days after your arrest for a first refusal, or (b) two years for a refusal if you are not a first time offender. You can get a similar penalty if you have any trace of marijuana or a controlled substance in your body while operating a motor vehicle. You can request a hearing to challenge the test result.

Q: What are the penalties for drunk driving?

A: For the first offense, you could:

- * get a fine of up to \$1,000
- * get a jail term of up to 1 year
- * be required to do community service work
- * have your license revoked for at least one year
- * be required to go for an evaluation by an alcohol treatment agency
- * be required to follow any recommendations for alcohol treatment or counseling
- * be required to pay for damage you caused.

These penalties can be given in any number of combinations (for example, jail time, fine and an evaluation.) The amount of fines and the jail and revocation periods can increase for repeat offenses.

Q: If my license is suspended or revoked can I get a permit to drive to work or school?

A: If your license is suspended or revoked, you may be able to get limited driving privileges if you (1) have a job, or are in school, or need medical treatment and (2) you must drive to get there. The license will only be good for certain hours and for certain areas or routes. This privilege is conditional. In some instances you can apply to the court for driving privileges; in other cases, you have to apply to the Secretary of State.

Q: Do the drunk driving laws apply only to cars and trucks?

A: No, they also apply to motorcycles, mopeds, snowmobiles, boats, water skis and aquaplanes.

Q: If my license is revoked, how do I get it back?

A: If your license has been revoked for any reason, you must apply to the Secretary of State to get it back. You will have to meet varying conditions to get your license back, depending on why it was revoked. For example, if your license has been revoked for DUI, you have to

- * be evaluated for alcohol or drug problems;
- * successfully complete a rehab or alcohol and drug education program;
- * appear in front of a Secretary of State hearing officer to apply for your license;
- * show proof of your financial responsibility (generally, proof that you have insurance);
- * pay a reinstatement fee (currently \$60);

* pass the driver's license examinations and pay the license fee.

Q: Is it illegal to allow someone under the influence to drive my car?

A: Yes, if you know the person is under the influence. If convicted, you can be fined up to \$1,000 and given a jail sentence of up to one year.

Q: What is "illegal transportation"?

A: It is illegal for anyone to drink alcohol in a vehicle except passengers on chartered buses and motor homes. It is also illegal to have alcohol in the passenger area of a vehicle if the container has been opened. If convicted, you may be fined up to \$500. If it is a second offense within one year, your driving license will be suspended for one year.

The age of 16 remains the age at which a person may apply for a driver's license, if a driver's education was successfully completed, but Effective January 1, 1998, a Graduated Licensing System, became law (P.A. 90-369, SB 350, approved August 13, 1997).

The Secretary of State has issued a "Parent/Teen Handbook" which contains "teen driving facts and attitudes," IDOT - Division of Traffic Safety, July, 1997, Reg. #728YTH0104.

*At a parent's request, any driver under the age of 18 may have his/her driving privileges revoked by the Secretary of State at any time and for any reason.

TENANT RIGHTS & RESPONSIBILITIES

Q: What are a landlord's rights in an apartment?

A: A landlord can charge whatever rent he or she chooses, set rules for living there, collect for damages to the property and sell the apartment. (If there is a written lease, however, the lease continues even though the property is sold).

Q: What are my rights as a tenant?

A: You can use the apartment according to the rules and live there without unjust interference by the landlord. The landlord must keep the property in livable condition.

You may have other rights depending on the type of property you are renting (e.g. mobile home parks, government subsidized housing and multi-unit buildings). Also, your lease with the landlord may give you additional rights.

Q: Is there anything I should do before renting a property?

A: You should see the place you rent, note its condition, and report in writing any need for painting, cleaning, and repairing. This way, you will have a list of items needing repair to prevent the landlord from claiming that you caused the damage after you moved in. However, unless the landlord agrees to repair the damage you report, your renting the property as it is means that the landlord does not have to fix problems unless they violate health or building codes.

Q: What is a lease and what should it say?

A: A lease is a contract between you and the landlord. It need not be in writing unless it is for more than one year (No matter how long you are renting property, a written lease can be good protection, for reasons explained below).

Before you sign a written lease, read it carefully, and make sure that you understand all the terms—see a lawyer if you think you need to. Do not leave any blank spaces unfilled. Make sure any promises by the landlord to do something not included on the standard lease form (such as a promise to paint the apartment) get written on the lease and or on a piece of paper attached to the form and initialed by both of you. Also, make sure you understand who pays for utilities, gas, electricity, water, garbage and the like. If you have a pet, or are planning to get one, be sure that the lease allows you to keep pets. Make sure you keep an exact copy of the original lease signed by both yourself and the owner, and an exact copy of the list of damages, if any.

Q: What are the advantages to having a written lease?

A: You will have

* a better idea of all of your rights and obligations

* protection from a dishonest landlord

* protection against poor memories.

Q: What are the disadvantages to having a written lease?

A: * Printed form leases usually favor the landlord

* The lease could change some of the rules that would otherwise favor you

Q: What is a security deposit and what is it used for?

A: It is money that you give to the landlord in addition to rent at the beginning of the lease term in case you damage the property, don't pay rent, or leave the apartment without cleaning it properly. It often equals one month's rent, but it can be any amount.

A landlord of a building with 5 or more rental units must return your full deposit within 30 days after you leave or tell you in writing why not.

Special rules also apply to security deposits for mobile homes in parks with 5 or more units; if the owner claims that you damaged the home, he or she has 15 days after your lease term ends to give you an itemized list of damages and an estimate of repair costs. You have 15 days from the date you received the list to object to the claim.

A written lease usually tells you how security deposits will be handled and what you should do to get them back. If you have questions about your security deposit, contact a lawyer immediately. Under certain circumstances, you may have a suit against the landlord who fails to return your security deposit within the time allowed by law. See a lawyer for information regarding circumstances and conditions you must meet.

Q: What if I have a complaint about my living conditions and the landlord does not respond. Who can I call for help?

A: If you believe there may be Health Code violations, you may contact the Department of Public Health.

In Chicago, you may wish to call the Tenants Rights Hotline at 312/292-4988. Their hours are somewhat limited, but it may be worth a try.

Q: Are there minimum habitability standards?

A: Landlords must provide a habitable apartment for a tenant. At a minimum, this means that the apartment must be livable, safe and sanitary. This standard is not met if the landlord fails to provide heat or hot water on a regular basis, or to rid an apartment of insect infestation. This warranty of habitability also applies to the public areas of the apartment building, like the hallways. However, if the unlivable, unsafe or unsanitary conditions were caused by the

misconduct of the tenant, then it is the responsibility of the tenant to either fix the condition or pay the landlord the reasonable cost of repair.

CONTRACTS

Q: What are some contracts I may enter into when I am 18?

A: • an employment contract

- a loan for school or a car
- an installment contract to buy furniture, stereo, etc.
- an apartment lease
- an insurance contract
- a marriage contract
- a contract for medical care
- a contract for credit

Q: Do all contracts have to be in writing?

A: No. Many contracts (employment, some apartment leases, agreement to pay for medical care) are rarely in writing. However, other contracts must be in writing, including some contracts to buy goods costing more than \$500, any contract to buy or sell land, and any contract that will take more than a year to perform.

Q: What are some of the advantages of written contracts?

A: They protect you against lies by the other person and against poor memories. Over time, even honest people often remember their agreements differently than one another. In case of a dispute later, you have the written agreement upon which to rely.

Q: What are some of the disadvantages of written contracts?

A: Consumers are often forced to use printed form contracts that favor the seller (for example, by attempting to limit warranties and saying that consumers must pay the seller's legal fees if the seller sues to enforce the contract). And, some words in written contracts have technical legal meanings that most people don't understand. Often neither person knows what the written contract means, especially if it is a printed form contract.

Also, a written contract will usually control even if you thought you had a different agreement—it is hard to argue with a written contract.

Q: What should I do when I'm asked to sign a contract?

A: Read the entire contract before signing it, including the back of a form contract. Ask questions about anything in the contract you don't understand, and don't sign until you are sure you understand it. But understand that the other party has no obligation to tell you how to get terms more favorable to you. If there are parts of the contract you don't agree to, cross them out; if parts you did agree to are missing, write them in.

Don't sign a contract if it has any blank spaces—either fill them in or cross them out if they don't apply. Be especially careful if someone asks you to sign a contract without reading it; don't think that a printed form contract "must be okay." Don't be intimidated by aggressive salespeople, or taken in by friendly ones.

Be sure that you get a complete, accurate, signed copy of the contract. Finally, don't be afraid to take a copy of the contract with you before signing to have it reviewed by a lawyer (anyone who pressures you not to do that should not be trusted).

Q: What can happen if I miss payments or fail to meet other obligations under a contract?

A: You can be sued. You, as a "defendant," can be required to appear before a judge or jury and defend yourself against the other person's ("plaintiff's") claim against you. The judge or jury decides what the facts were and who wins. If you do not answer, you will lose by default. If you lose, a "judgment" will be "entered against you," which means that your wages can then be "garnished" (money can be taken from them to pay the debt) or other actions can be taken to collect the money from you. The judgment lasts until it is paid. Interest is added to the amount of the judgment.

Q: Are there time limits for starting a lawsuit or being sued?

A: Yes. Illinois laws create deadlines, called "statutes of limitation," for starting lawsuits or making claims. Some deadlines are very short. If you think you have a possible claim or lawsuit you should promptly talk with a lawyer and ask what time limit applies.

Q: What can I do if I owe more money than I can pay?

A: Some alternatives include working out agreements to pay your debts back over time, taking out a new loan to pay back existing debts, or declaring bankruptcy.

Q: What happens if I declare bankruptcy?

A: Bankruptcy is a formal court proceeding, and is very complicated. The result is that your assets—the things you own—may be taken (except for certain protected items) and most of your debts are canceled. Certain debts are not canceled however, including debts for things obtained by fraud, tax debts, debts that you did not report to the bankruptcy court, debts for intentional or malicious harm that you did to people or property, child support, and debts for school loans.

Bankruptcy can hurt your credit rating, making it harder for you to get a loan in the future.

EMPLOYMENT

Q: Does my employer have to give me a written contract?

A: No. Many employment contracts are oral.

Q: How and why can I be fired?

A: Generally if you don't have a written contract, your employer can fire you at any time for no reason. There are exceptions— an employer may not fire or discriminate against you based on race, sex, color, disability, religion, etc., or because you made a complaint about the employer to a government agency. A written contract may put additional limits on the employer's ability to fire you.

Q: Whom should I contact if I think I have been discriminated against?

A: Illinois Department of Human Rights

Stratton Building, Springfield, IL 62706

(217) 785-5100

Q: What rights to sick days, vacation days, etc., do I have?

A: Only those you and your employer mutually agree to in a contract between you and your employer or a collective bargaining agreement.

Q: Must an employer warn me before firing me?

A: Not unless the employer agreed to do so.

Q: What if my employer failed to pay me?

A: You can file a wage claim with the Department of Labor.

CONSUMER PROTECTION

Q: What are some consumer protection laws and what do they do?

A: Truth-in-lending. This law requires lenders to disclose credit costs and contract provisions.

Unsolicited credit cards. This law prohibits companies from sending you credit cards you didn't ask for and imposes a limit on your liability for the unauthorized use of such a card.

Fair Credit Reporting Act. Under this law, credit reporting agencies must give you access to your credit records, allow you to dispute information contained in the records, and reinvestigate any disputed information at your request.

F.T.C. Door-To-Door Rule. This regulation allows you 3 days to cancel any contract on credit or any cash sale of \$25 or more which takes place away from the seller's regular place of business (at your home, for example). Under the law, door-to-door sales contracts must include a bold-faced notice of this cancellation right.

Equal Credit Opportunity Act. This law forbids anyone to refuse to give you credit based on sex, marital status, race, etc.

The Consumer Fraud and Deceptive Business Practices Act. This act prohibits sellers from using false or misleading statements. It gives you 3 days to cancel a sale made in your home and requires the seller to notify you of this right. It also requires car dealers to provide specific warranties on the cars they sell. Dealers can avoid these warranties only by having you sign a contract containing a disclaimer of warranties in bold print.

The Motor Vehicle Retail Installment Sales Act. This law outlines the terms that must be included in a financing agreement for buying a car. It requires that the contract clearly state the amount of the finance charge and other charges you must pay beyond the cash price of the car.

Q: What is the difference between a "full" and a "limited" warranty?

A: Under a full warranty, the dealer or manufacturer gets a reasonable number of chances to fix defects but then must allow you to choose a full refund or a replacement without charge. A full warranty applies to anyone who owns the product during the warranty period. Few companies give full warranties.

You have no refund or replacement rights under "limited" warranties. Most warranties are limited.

Q: Do I have to pay for work done by a repair shop that I didn't authorize?

A: It depends on what you told the shop when you asked them to do the repairs. Make sure your instructions to the repair shop are clear—tell them if you don't want them to do any work without calling you first. Repair shops are required to offer a written estimate for anticipated

repairs and the amount charged may not exceed that amount by 10%. If the "estimate" is a fixed amount for a definite repair, the amount charged may not exceed that estimate.

Q: Are warranties important?

A: Yes, they give you the right to have defects fixed at no charge. You should always ask for a copy of the warranty. The dealer must give you a copy.

Q: What if I bought a "lemon"?

A: The New Vehicle Buyer Protection Act allows you to cancel the deal if you bought a defective new passenger car from a dealer and certain other conditions are met. If a defect "substantially impairs" the value of the vehicle, you tell the dealer and give him or her a reasonable number of chances to fix it. Within a reasonable time you must notify the dealer that you are canceling the purchase and must return the vehicle without substantial change to it.

Q: Do I have any protection after the stated warranty period ends?

A: Maybe. There is usually an implied (unwritten) warranty created by law guaranteeing that, for a reasonable time, an item you bought from a dealer will be fit for the purpose for which it was sold. But there are certain requirements on you if you want to enforce an implied warranty. Please see a lawyer.

Q: Do these warranties apply to used items?

A: It depends. If something is sold "as is," and if the "as is" limitation is properly made, there are no warranties. If something is purchased from someone who isn't a dealer i.e. someone who regularly sells products, there are usually no warranties.

Q: Whom should I contact if I have a consumer question?

A: Contact a lawyer or the Consumer Affairs Division of the Office of the Illinois Attorney General.

CONSUMER HOTLINES

Carbondale 800/243-0607

Chicago 800/386-5438

Springfield 800/243-0618

CREDIT

Q: How do I get a good credit rating?

A: There are a number of ways, including having a savings account, buying low-priced items on time, getting a job and using credit cards. A credit rating is supposed to measure your ability to repay a debt. You can show that you are a good credit risk by developing a record of completing payments or by showing a stable income or other sources of money.

Q: How long does it take to clear up a bad credit report?

A: It depends on how serious your past problems were, how much money you want now, and what you want it for. Credit reporting agencies often want references on your loans and employment for the past five years. You can probably get around a bad credit rating if you can offer enough collateral for the present loan.

Q: What is collateral?

A: Collateral is anything of value that you can give as security for a loan. The lender wants you to name property that has a value at least equal to the amount of the loan. If you are unable to repay the loan, the lender may be able to take your collateral and sell it to help pay off your debt.

Q: What if I buy a TV or stereo on installments and have problems getting it fixed? If the store refuses to fix the set, can I refuse to make payments?

A: It depends. You may be able to stop payment if the financing was arranged at the store, depending on the terms in the agreement. If not, then you will probably have to keep paying. Generally, you cannot quit making payments required by an auto finance agreement even if the car is defective, wrecked, stolen or totaled.

Q: If I buy something with a high interest rate loan and later have money to pay off the loan, must I pay the entire amount of interest that would have been due over the term of the original contract?

A: No. You have a right to prepay a loan for consumer goods at any time without penalty.

Q: Can a purchase contract say that if I don't pay the store can automatically get its money from my wages?

A: No. The store can only garnish your wages after suing you and getting a judgment.

Q: Can the purchase contract say that if I default, I agree to sign over my wages to the store?

A: Yes, but there are limitations on wage assignment. They can be canceled at any time by you, and they have a limited term, usually no more than one year.

Q: Can a lender have different rules for making loans to women than to men?

A: No. No lender can discriminate against anyone based on sex, race, or marital status. Lenders may only make distinctions based on your credit-worthiness. Married people with no outside job might have problems getting a loan unless they have enough collateral. In that case, your spouse could guarantee the loan or provide other security to support it.

MARRIAGE, DIVORCE, & CHILDREN

Q: When can I marry without my parents' consent?

A: When you turn 18.

Q: What is the youngest age at which I could marry with parents' consent?

A: Sixteen with proof of parental consent. Even with consent of your parents, you may not marry legally in Illinois if you are under 16.

Q: What can happen if we lie about our ages to get married?

A: If either person is under 16 at the time of a marriage, the marriage is void. That means there is no marriage.

Q: How do I get a marriage license?

A: You apply to the county clerk and pay the application fee. The license is good in the county where it was issued one day after issuance, unless the court orders it to be effective when issued. The license expires 60 days after taking effect. You can get married only in the county where the license was issued.

Q: What is required for a valid marriage?

A: A marriage must be

- between a man and a woman old enough to marry,
- performed by an authorized official (generally a clergyman, judge or public official whose powers include performing marriages), and
- Recorded by a properly registered marriage certificate.

Q: Who has to provide support in a marriage?

A: Both husband and wife must support one another and all minor children.

Q: Does a non-working spouse have any share in the family's income or assets?

A: Yes. This is a complex subject: You should talk with a lawyer for more information.

Q: What happens in a divorce?

A: A judge will consider whether there are grounds for divorce and issues of child custody, child support, the need for financial support by either spouse, and property division. As a general rule,

assets are divided fairly, but not necessarily equally, regardless of whom is at fault for the end of the marriage.

Q: What are the grounds for divorce?

A: There are eleven grounds. Among the most commonly used are mental cruelty, physical cruelty, adultery and desertion. There is also one ground that does not require fault—the irretrievable breakdown of the marriage. This ground requires that the spouses have either lived apart for more than two years, or have agreed to divorce and have been separated at least six months.

Q: What's the difference between an "amicable" and "contested" divorce?

A: An amicable divorce is usually between two parties who are willing to work toward a divorce agreement or settlement together in an amicable or agreeable manner. Many couples in amicable divorces seek the services of a trained mediator to help them facilitate a settlement fair to both husband and wife.

Q: A contested divorce is one in which one party does not want the divorce and is less than willing to discuss or reach agreement on settlement of marital assets.

Q: Can a father be required to support his child if he is not married to the mother?

A: Yes. A father can be sued by the child, the child's mother or a child support agency. They can get a "wage assignment" that will automatically deduct support from the father's paycheck.

Q: What happens if a parent refuses/fails to pay child support?

A: The delinquent parent's income (which includes salary, lottery winnings, insurance settlements, tax refunds, workers compensation, unemployment benefits, and other sources) can be withheld for the amount of support owed. Also, the delinquent parent can be held in contempt of court, which could result in probation or periodic imprisonment (not to exceed 6 months).

Q: Can a father get custody of his child if he is not married to the mother?

A: Yes. The father can request that a court grant him custody of a child even though he and the mother have never been married.

Q: What if a man denies that he is a child's father?

A: In that case, either the child, the child's mother or a child support agency can ask the court to decide whether he is the father through a paternity action. If the man can't afford a lawyer, one will be appointed for him. He has the right to require blood tests (today's very accurate blood tests usually settle the question of whether the man is the father). The question of paternity can be settled by a paternity agreement. If the question is not settled, a trial will be held to determine whether the man is the child's father.

Q: May a parent's rights be terminated?

A: Yes. Among other reasons, a court may terminate parental rights if it finds that a parent is unfit because he or she

- * abandoned the child;
- * failed to maintain a reasonable degree of interest, concern or responsibility for the child;
- * deserted the child for more than three months;
- * repeatedly neglected or was cruel to the child; and
- * failed to protect the child from harmful conditions.

Q: What does "termination" mean?

A: Termination of parental rights means that the former parent is no longer legally considered the child's parent and no longer has any of the rights or responsibilities of a parent, including the right to see the child.

Q: If my spouse is abusing me, do I have to file for divorce to get help from the courts?

A: No. If you are abused, you can get a court order of protection if either you or your children are likely to be abused. The order prohibits further abuse and may give you control of the home, car, or other property. Other help is also available. Call a lawyer, and check the Yellow Pages under "Social Services Organizations" for battered wives or spouse abuse or domestic violence victim support groups.

Q: If my spouse is abusing me before the divorce is final, what kind of protection can I get from the court?

A: Among other things, the court can order your spouse not to bother you, order your spouse to leave the home for a period of time, or enter an order of protection. Anyone disobeying such orders can be fined, jailed, or both, depending on the circumstances.

Q: If I'm being abused, can the state's attorney bring criminal charges against my spouse?

A: Yes. If you are abused, immediately call the police or state's attorney's office. Get hospital treatment and keep records of injuries, witnesses, police officers and medical attendants. Get copies of medical reports and bills.

Q: Can I sue my spouse for personal injuries resulting from the abuse?

A: Yes. You should see a lawyer to discuss the evidence, the facts you must prove and the amount of damages or other remedies you could get.

Q: Can I ask for an order of protection even if I'm not married?

A: Yes. Anyone abused by a family or household member can ask the court for an order of protection.

CONSENT TO MEDICAL TREATMENT & SERVICES

Q: Do I need my parents' consent to see a doctor?

A: No, any person 18 years of age or older may consent to the performance of a medical, dental or surgical procedure.

Q: What if I don't wish to receive treatment, can I refuse it as well even if my parents disapprove of my decision?

A: Yes, even if death would be the certain result of your refusal, you have the absolute right to refuse all treatment.

Q: Can I go to the clinic on my own and obtain counseling or a prescription for birth control?

A: Yes, when you turn 18 parental consent for such services is no longer necessary.

Q: What is the youngest age at which I can obtain such services?

A: There is no prescribed age, if you meet the qualifying criteria. The law provides that any minor who is pregnant, married, a parent, a minor as to whom the failure to provide such services would create a serious health hazard, or who is referred by a physician, clergy or planned parenthood agency may obtain birth control services without parental consent.

Q: What if I wish to obtain counseling for other services such as substance abuse, sexually transmitted diseases or mental health? Can I do so without the fear that my participation will be revealed to my parents?

A: Yes, at age 18 you may consent to counseling or other services related to the diagnosis and treatment of drug and alcohol abuse, sexually transmitted disease or mental health. With respect to disclosure, the provider is prohibited from informing your parents or guardians without your consent. However, keep in mind that you will be responsible for the cost of the sessions as such contracts for services will be upheld as you are now of the age to legally enter into a binding contract.

CRIMINAL CHARGES

Q: What will happen if I'm arrested?

A: You can expect to be searched for weapons by the police and taken to a police station. You will be advised of your rights under the United States Constitution. You have the right not to answer questions from the police and to have a lawyer present. As soon as you request a lawyer, the police are not supposed to question you further. If you cannot afford a lawyer, the court will appoint one for you.

Q: What basic things should I remember if I'm arrested?

A: You have the right to have a lawyer present. Once you have identified yourself, you may refuse to make any statement or discuss the case with anyone. On the other hand, you may choose to answer questions, sign papers or take tests. Remember that any information you give voluntarily can be used as evidence against you in court. Law enforcement officers cannot use force or threaten you to make you answer questions and cannot offer leniency in exchange for any written or oral statements.

Q: How soon after being arrested must I be allowed to appear before a judge?

A: After you are arrested and processed, you must be brought before the judge for an "initial appearance" within a reasonable time. This is usually within 24 hours unless your arrest took place over a weekend, when the initial appearance usually occurs the following Monday.

Q: What is bail?

A: Bail is designed to guarantee your appearance in court. Sometimes the court will require a "recognizance" bond, under which you agree to pay a certain amount of money if you fail to appear in court. Sometimes the court will require you to pay a specific amount of money to the clerk of courts. Sometimes the court allows you to deposit a bond or title to a vehicle or home. Usually a member of the family must get the money, deposit it and then show the receipt in order to get you released.

Q: What if I'm arrested and can't afford to hire a lawyer?

A: If you can't afford to hire a lawyer, the first thing to tell the court at your initial appearance is that you wish to speak to someone from the public defender's office. Generally, the court will postpone your case and provide you with the address and telephone number of the local public defender.

SEXUAL CRIMES

Q: What are sexual crimes?

A: Sexual crimes involve some sexual contact without consent. The contact does not have to be intercourse.

Q: What is "sexual conduct?"

A: Sexual conduct is any intentional touching of another person's private parts for "sexual arousal or gratification."

Q: What does "consent" mean?

A: Consent means freely given agreement, through either words or conduct, to sexual conduct. Consent can be withdrawn at any time. Also, some people are considered unable to give consent either because of their age or some disability.

Q: What are the penalties for sexual crimes?

A: The penalty for the particular crime will depend on many things, including the amount of force used, the nature of the sexual conduct, and the age of the victim. Many sexual crimes are considered felonies, the most serious type of criminal violation.

Q: Can sexual crimes occur within a marriage?

A: Yes. A sexual crime can occur between husband and wife. The question is whether there was consent for the sexual contact.

Q: What are some examples of other sexual crimes?

A: * sexual discrimination or harassment

* sexual intercourse outside of marriage (fornication)

* prostitution or hiring prostitutes

REFERENCE SECTION

VOTING: Illinois Constitution, Article III, 10 ILCS 5

JURY DUTY: 705 ILCS 305

ALCOHOL AND OTHER DRUGS: 235 ILCS 5, 625 ILCS 5, 410 ILCS 5, et seq., 35 ILCS 5, et seq.

DRIVING: 625 ILCS 5

TENANTS RIGHTS AND RESPONSIBILITIES: 765 ILCS 705

CONTRACTS: 815 ILCS 602, et seq., 735 ILCS 5

EMPLOYMENT: 820 ILCS 15, et seq.

CONSUMER PROTECTION: 205 ILCS 5, et seq., 815 ILCS 505, 810 ILCS 5

CREDIT: 735 ILCS 5, 820 ILCS 5, et seq., 775 ILCS 5, et seq.

MARRIAGE, DIVORCE AND CHILDREN: 750 ILCS 5, 705