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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 and Donna Schechter (ISBA staff) for editorial work.

Find additional law-related education materials on the Illinois State Bar Association's Website, <http://www.isba.org/teachers>.

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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 permanent resident of Illinois for at least 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 at the election but you must still register at least 30 days before the election.

Q: Where do I register to vote?

A: You may register to vote at the County Clerk's Office at your courthouse or at such other temporary places as the county may designate. 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. In addition, you may register to vote or at a local driver's license facility of the Secretary of State. Registration by mail is also available.

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 digits of your social security number), your choice of party (which you may leave blank or write "no party"), race or ethnic group (optional), and your signature which will affirm that you meet all requirements for registering to vote in Illinois:

- You are a citizen of the U.S.
- You will be a resident of your election precinct for at least 30 days before the next election.
- You will be 18 years of age by the next election.
- You are not in jail or on parole for a felony conviction.
- You do not claim the right to vote anywhere else.

Q: Where do I vote?

A: Your county establishes places to vote (polling places), usually at a school, church or similar public place. For information on your polling place, call your County Clerk or local governmental official in charge of elections. If you will be out of town on Election Day, you may obtain an absentee ballot. You may also be able to vote early at an officially designated polling place if you are unable to vote in person on Election Day.

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

A: Yes, if you register to vote in that city. Otherwise, your residence for voting is determined by wherever your permanent address may be.

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

A: A person convicted of a felony, who is serving a sentence in a correctional institution or jail or on probation/parole, loses the right to vote. However, the right to vote is restored upon completion of the sentence.

MAKING A WILL

Q: Do I need a will even if I don't have a lot of money?

A: You need a will if you wish to leave what assets you have to an organization or to an individual other than as provided by Illinois law or if you have a minor child.

Q: Who receives my assets according to Illinois law if I don't have a will?

A: It depends. If you are single, with no children, your assets will be distributed in equal shares to your parents, brothers and sisters. If one of your parents is no longer living, the surviving parent will receive two shares. If you are single with children, your assets will be distributed in equal shares to your children. If you are married, then your assets will be distributed to your spouse, unless you have children, in which case, one-half of your assets will be distributed to your spouse and one-half will be distributed in equal shares to your children.

Q: Are my step-brother and step-sister considered my brother and sister?

A: No. You must be related by blood or by legal adoption. A half-brother or half-sister is considered a brother or sister under Illinois law.

Q: Why do I need a will if I am single with a child and I want everything I own to go to that child?

A: You need a will to name a guardian for that child. If you don't name a guardian in a will, the court will do it for you and it may not be the person that you would want to raise your child. In addition, a child under the age of 18 is not allowed to own assets. In your will, you can name a person who will hold and manage your assets for the benefit of your child and you can determine at what age you wish for your child to receive those assets.

Q: How do I make a will?

A: It is recommended that you meet with an attorney to make a will because the law requires that you follow certain formalities in order for a will to be valid. In addition, it is necessary for the language in a will to be extremely precise to avoid unintended results and family disagreements. An attorney can help you clarify your objectives, recognize the implications of your actions and put your wishes in writing in such a way to as to avoid confusion after your death.

Q: Can I change my will?

A: Yes. A will be changed at any time by making a new will or by making a codicil. A codicil is an amendment to your will which changes only a portion of your will.

Q: Can I name someone in my will to help me during life?

A: No. A will only becomes effective at your death. You can sign powers of attorney which do allow someone to help you during life. A power of attorney for property allows an individual named by you to assist you with business and financial matters when you are not able to attend to them. A power of attorney for health care allows an individual named by you to make medical and health care decisions for you when you are not able to make them for yourself.

Q: What if I want to be cremated? Can I put that in my will?

A: Yes, you can. Sometimes a will is not read right after a person dies so if you have strong feelings about cremation or burial you should make those feelings known by preparing a written designation under the Disposition of Remains Act.

Q: What do I do if I have made a will and I don't want it anymore?

A: A will may be revoked by burning or tearing it, by preparing a written statement revoking the will which follows the same formalities required when making a will or by making a new will.

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 between 18 and 25 you must register for the draft. This is known as Selective Service registration. You should register within 30 days of your 18th birthday or 30 days after your 18th birthday...a 60 day window.

EARLY SUBMISSION OF INFORMATION: Now, if you are a man who is at least 17 years and 3 months old, you may complete this form to submit your registration information. The information will be held on file and processed automatically when you are within 30 days of your 18th birthday, at which time we will mail confirmation to you.

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. There are various ages for the military maximum age. Please see about.com cite. Also, there seems to be a conflict of info re: Army. Army's website says 42, but about.com says it recently been changed back 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.

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 report for jury duty, or giving fraudulent grounds to avoid jury service, may constitute contempt of court. If you are found in contempt of court, you may be punished by fine or imprisonment. The U.S. Constitution ensures that if we are on trial, we will be tried by a jury of our peers, not some dictator. This right is effective only if we serve. Serving on a jury is one of the obligations of citizens in the United States.

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, driver's license records, unemployment claimants, holders of Illinois Identification cards, and holders of Illinois Disabled Persons Identification Cards. When a jury is needed, names are chosen at random from the list. Those chosen are summoned to appear at the courthouse for jury selection. From this panel, jurors are selected to serve.

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, able to understand English, and a resident of the county where you are being called to serve as a juror.

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.

The judge may also excuse you if jury service would cause you extreme inconvenience (such as you the sole caregiver of someone in need), if you are too biased or if there are other special circumstances. You must show proof that you need to be excused.

Under some circumstances, you can ask to delay serving to a more convenient time. Contact the jury administrator for your county. That contact information should appear on the jury summons you receive.

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. Some will pay employees for jury duty, and some will not.

Q. Must employers permit you time off for jury duty.

A. Yes. Employers must give employees time off for jury service whether or not they pay for jury duty. Employers who fire you, threaten to fire you, intimidate you or coerce you because of jury duty, are violating the law. If you have a problem with an employer because of being called for jury service, contact the State's Attorney of your county.

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.

Q. Can I bring someone with me? Can I bring something to do?

A. You may not bring anyone with you. You may want to bring something to do during any time that you are waiting, such as a book or knitting. Ask the jury administrator what you can bring. Many counties will prohibit you from bringing newspapers or cell phones or radios.

Q. How should I dress?

A. Ask the jury administrator how to dress. You want to be comfortable, but many courthouses forbid certain items of clothing such as shorts or halter tops. Some counties, such as Cook and DuPage, have posted information on their websites that are helpful for jurors. See <http://www.dupageco.org/Jury/6698/> or <http://www.cookcountycourt.org/> as examples. Read the jury summons carefully and check on your county's procedures because each county sets its own procedures and rules.

Q. What kind of juries are there?

A. There are two: petit juries are those who hear cases. Grand juries are those that decide whether or not to indict or charge someone with a crime. For more information, see the Grand Juror Handbook and petit Jury Handbook posted on the website of the Illinois Courts.
www.state.il.us/court

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. However, anyone could be responsible for damage caused by permitting a driver to drive when that person is unfit to drive. For example, if your parents loaned you their car to drive when they knew you were unfit to drive due to drinking or other reasons and you had an accident and harmed someone or some property, you would be liable for the harm done due to your unfitness. Your parents could be liable for the harm done due to their negligence in loaning you the car to drive.

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. The following information is an **abbreviated** version of what appears in the Illinois Rules of the Road Laws frequently change, so check the Rules of the Road for any updated law and any updates on the amounts of minimal coverage required.

All vehicles operated in Illinois must be covered by liability insurance, which covers injuries or damages you may cause with your vehicle to other persons or their property.

Following are minimum liability insurance limits:

- \$20,000 for injury or death of one person in a crash.
- \$40,000 for injury or death of more than one person in a crash.
- \$15,000 for damage to property of another person.

Evidence of liability coverage must be carried by the motorist or in the vehicle and shown to law enforcement officers upon request. Insurance companies must issue Illinois insurance cards to policyholders. Contact your insurance agent or company if you lose your insurance card or the company fails to send you one.

If you have trouble obtaining insurance, contact the Illinois Automobile Insurance Plan. The plan is a state-monitored program for drivers who have difficulty obtaining insurance.

Although you are required only to have these minimal coverage amounts, you could be liable for damages in excess of these limits. For example, suppose you carry only minimal coverage in accord with the limits set out above, but you cause an accident where you cause damage to property and the value of the damage is \$30,000. The insurance company may likely cover only \$15,000 because that is the amount of coverage that you purchased. But the person whose property you damaged could seek the remaining \$15,000 from you personally.

Q. What else do I need to know about driving?

Every driver in Illinois should be familiar with the Rules of the Road available on the website of the Secretary of State of Illinois or at any driver facility in Illinois. www.cyberdriveillinois.com.

Those under 18 should know that their parents can access their driving record at any time. Also parents of those under 18 may withdraw their consent for their teen-ager to obtain a driver's license, even after the teen has obtained the license.

DRUNK DRIVING

Q. What can happen if I drive drunk or under the influence of an unlawful substance?

A.: At least these things can happen:

You will lose your driver's license for some period of time.

You will be charged with a DUI and if convicted, will suffer the penalties listed below.

If you were underage to be drinking, the penalties are even more severe.

There are severe penalties for drunk driving and these are discussed below. You should also know that Illinois has what is called "implied consent." This means that when you requested a driver's license in Illinois, you gave consent to be tested if you were arrested. The consent is implied because you agreed by the very act of applying for the license, to be tested. The Secretary of State, whose offices enforces the laws related to driving, has set out the rules regarding drunk driving in a booklet called Illinois DUI Fact Book, available online at www.cyberdriveillinois.com or at any driver's facility. The following is a summary of what you can expect.

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

A: The following is an abbreviated account of what can happen if you are stopped:

Officer has reasonable suspicion or probable cause to stop you or you engaged in unusual operation of vehicle or stops you at a roadside safety check.

Officer suspects you of being under the influence of alcohol or drugs, and 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.

Officer has probable cause, based on the field sobriety tests to arrest you for DUI and takes you to the police station. Officer requests 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.

You take a test and show a blood alcohol level of more than 0.05 but less than 0.08, no summary suspension will issue but you may still be charged with DUI. You may challenge this charge in court.

You take a test and show a blood alcohol level of 0.08 or more, or any trace of an illegal substance, an officer issues you a ticket, called a notice of statutory summary suspension, takes your license and tells 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) 6 months starting 46 days after your arrest for a first offender, (b) one year if you are not a first offender.

You refuse the test, officer gives 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) 12 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.

You may defend against the DUI in court. You may defend against the summary suspension in an administrative hearing. These are not the same.

In addition, you may have to post a bond (bail) before being released from the police station and until you post the bond, you will be detained there. Your vehicle will be towed, impounded, or seized. You will not be permitted to drive away.

The General Assembly frequently changes the laws governing drunk driving, usually making them tougher. Be sure to check the Secretary of State's website for updated information.

Q: What are the penalties for drunk driving?

A: For the **first** offense, you could:

- * get a fine of up to \$2500
- * 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
- * have your vehicle registration suspended

- *be required to carry high-risk auto insurance

- *be required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed on the vehicle and pay the costs associated with the BAIID

- * 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. They will also increase if the driver is under age 21, if the driver had passengers under age 16, if the driver caused great bodily harm to another, or other circumstances.

In addition, the offender may lose work time while appearing in court or to complete an alcohol/drug evaluation, and suffer other consequences. The Secretary of State estimates that the actual out-of-pocket costs of drunk driving may be \$10,000 or more. See the Illinois DUI Handbook for a breakdown of these costs. It is available at www.cyberdriveillinois.com or at driver's facilities

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. You also must have a Breath Alcohol Ignition Interlock Device (BAIID) installed in your vehicle. Because you must show that you qualify, you would be wise to engage an attorney to represent you.

Q: Do 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. The Secretary of State's brochure "The Road to Reinstatement" explains what you must do. It is available on line at www.cyberdriveillinois.com and at driver facilities. 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
- * 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 \$1000 and can lose your license for one year. If it is a second offense within one year, your driving license will be revoked.

Q. What if I am under 18 and get a drunk driving charge?

A. As noted above, many of the penalties listed increase. Those under 21 who are convicted of a DUI, will lose their license for two years, as well as suffer all the other penalties. Those under 21 are not eligible for a Restricted Driving Permit. They may also have to meet additional requirements to regain their license at the end of the suspension.

Under the Zero Tolerance Policy, those under 21 with anything more than 0.00 BAL will have their license suspended for 3 months. If those under 21 refuse to take the test, their license can be suspended for 6 months or more.

The Secretary of State has issued a "Teen Driver Safety" handbook" which contains "teen driving facts and attitudes," available at www.cyberdriveillinois.com and at driver facilities.

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.

Q. Do I need a lawyer to defend me if I get a DUI?

A.: Many terms, such as first offender and many steps along the way are more complicated than they seem. The consequences are a DUI conviction or summary suspension - both are serious and some consequences are life-long. Therefore, it is highly advisable to retain a lawyer to defend you.

TENANT RIGHTS AND RESPONSIBILITIES

Q: What are a landlord's rights regarding an apartment or a house?

A: A landlord can charge whatever rent he or she chooses, set reasonable rules for living there, collect for damages to the property caused by tenants or their guests and sell the apartment or house to another. (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 leased premises 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 upon the type of property you are renting (e.g., mobile home in a mobile home park, government subsidized housing and multi-unit buildings). Also, if you have a written lease with the landlord, you may have additional rights.

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

A: You should look at the place you are planning to rent, note its condition, and report in writing any need for painting, cleaning or 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, you will be renting the property as is. The landlord does not have to fix the 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 but if it is not in writing it will be construed as a month-to-month tenancy. A month-to-month tenancy can be terminated with one month's notice. (No matter how long you intend to rent the 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. Be sure to talk to 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 that is not included on the standard lease form (such as a promise to make repairs) get written into the lease, or on a piece of paper attached to the lease, 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 landlord, and an exact copy of the list of damages, if any. A landlord must give you a signed copy of the lease and cannot charge for that first copy.

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

A: You will have a better idea of all of your rights and responsibilities, protection from a dishonest landlord and protection against poor memories. Should a landlord fail to fulfill his or her obligations under the lease, it is much easier to enforce your rights under a written lease. Further, most leases are for a set term, such as a year. The landlord cannot remove you without cause and cannot change the terms of the lease without your approval during the term of the lease.

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

A: A pre-printed form lease usually favors the landlord. A form 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 the landlord in addition to rent at the beginning of the lease term in case you damage the property, fail to pay the rent or leave the property without cleaning it properly. It often equals one month's rent but it can be any amount unless limited by local law or regulation. A landlord of a building with 5 or more rental units must return your full deposit within 45 days or let you know in writing why not within 30 days after you leave. A landlord of a building with 25 or more rental units must pay you the interest earned on your security deposit within 30 days of the end of the lease term. 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 mobile home, he or she has 15 days after the lease term ends to give you an itemized list of damages and an estimate of repaid costs. You have 15 days from the date you receive the list to object to the claim. A written lease usually describes how a security deposit will be handled and what you should do to get it 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 ignores me? Who can I call for help?

A: If you believe there may be health code violations, you may contact your local health department. In some areas these matters are handled by building inspectors or some other governmental agency.

Q: Are there minimum standards of habitability?

A: Landlords must provide a habitable living space for a tenant. At a minimum, this means that the rented property 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, rid the premises of insect infestation, or allows certain situations such as sewage inside the home or significant water leaks. This warranty of habitability also applies to the public areas of an apartment building, like the hallways. However, if the unlivable, unsafe or unsanitary conditions are caused by the tenant, then it is the responsibility of the tenant to either fix the condition or pay the landlord for the reasonable cost of repair. If the landlord refuses to repair a significant habitability issue not caused by the tenant and the landlord has been given written notice of the problem, you may be able to leave the apartment or house before the end of the lease under the theory of constructive eviction.

CONTRACTS

Q: What kind of contracts may I enter into when I turn 18?

A: Some types of legally binding contracts which an adult may enter into include:

- *an employment contract
- *a loan for school or to buy a car or a house
- *an installment contract to buy furniture, stereo equipment, computer equipment, etc.
- *an apartment or house lease
- *an insurance contract
- *a marriage contract
- *an agreement for medical care
- *a contract for a credit card

Q: Do all contracts have to be in writing?

A: No. Many contracts (e.g., employment, some leases, agreement to pay for medical care) are rarely in writing. However, other contracts must be in writing, including some contracts to buy goods in excess of \$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: Written contracts protect you against lies by other persons 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 on which to rely.

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

A: Consumers are often forced to use pre-printed form contracts that favor the seller (e.g., by attempting to limit warranties, forcing arbitration and requiring consumers to 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 do not understand. Often neither person knows what the written contract means, especially if it is a pre-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 am asked to sign a contract?

A: Try to read the entire contract before signing it, including the back of a form contract. Ask questions about anything in the contract that you do not understand. Do not sign until you are sure you understand it. But recognize 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 that you do not agree to, cross them out, initial them and have the other party initial them. If the other party will not agree to the changes, you must decide whether to refuse to sign or agree that the terms be restored. If parts you did agree to are missing, write them in, initial them and have the other party initial them. Do not sign a contract if it has any blank spaces – either fill them in, cross them out if they do not apply or write “NA” for inapplicable. Be especially careful if someone asks you to sign a contract without offering you an opportunity to read it - do not think that a pre-printed form contract “must be okay.” Do not 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, do not be

afraid to have a copy of the contract reviewed by an attorney before you sign it. Anyone who pressures you to not take any of these precautions 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 (defendant) can be required to appear before a judge or jury to defend yourself against the claims against you by the other person (plaintiff). The judge or jury decides the facts and who wins. If you do not answer the allegations, you will lose by default. If you do lose, a judgment will be entered against you. The plaintiff can then take actions against you to try to collect on the judgment by having your wages garnished (money is taken out of your paycheck to pay the judgment). Further, collateral for the debt can be seized and sold off by the plaintiff to cover part or all of the debt. The judgment lasts until it is paid or until seven years from the date it was rendered unless the creditor revives the judgment. Interest is added to the amount of the judgment until it is paid unless you have a written agreement with the creditor otherwise.

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

A: Yes. Illinois laws create deadlines, called “statutes of limitations,” 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 an attorney and ask what time limit applies. Also, if you are being sued and significant time has elapsed since whatever happened that led to the lawsuit, you may want to consult with an attorney to see whether the suit filed against you is timely or not.

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: What is a collective bargaining agreement?

A: Usually, collective bargaining agreement refers to an agreement reached between the employer (management) and the employee union (labor). If there is a collective bargaining agreement, those terms determine your contract. See your union representative for more information.

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, getting a job and using and paying off a credit card. 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 making payments on time 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: Negative credit information for bankruptcies takes up 10 years to be removed and for most other transactions up to seven years. Note, however, that your credit score can improve even with a negative credit report by taking positive actions, such as paying off a debt or having a pattern of timely payments on a debt.

Q: Can I get credit or a loan with a bad credit rating?

A: It depends on how serious your past credit problems are, how much money you want to borrow now, and what you want the money for. Credit reporting agencies often want references on your loan and employment for at least the last five years. You can probably get around a bad credit rating if you can offer enough collateral for the loan or if you have a co-signor.

Q: What is collateral?

A: Collateral is anything of value that you can offer as security for a loan. The lender wants you to pledge 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. When you buy some things on credit or with a loan, such as a house or a car, the item being purchased is frequently used as collateral.

Q: What if I buy a TV or a computer on installments and something goes wrong with it? If the store refuses to fix it, can I refuse to make payments?

A: It depends. Read your installment contract carefully to find out your rights for that purchase. You may be able to stop payment if the financing was arranged at the store, depending on the terms of the financing agreement. If not, then you will probably have to keep paying. Generally, you cannot quit making payments required by an auto financing agreement even if the car is defective, wrecked, stolen or totaled.

Q: If I buy something with a high interest rate 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 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 provide that if I do not pay the store can automatically get its money from my wages?

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

Q: Can the purchase contract provide that, if I default, I will be agreeing to sign over my wages to the store?

A: Yes, but there are limitations on wage assignments. 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.

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

A: Some alternatives include working out an agreement with the other party to pay back your debt over a period of time or declaring bankruptcy. However, if your income and assets (things you own) are low enough, you may be exempt from judgment. Being exempt does not get rid of the judgment. It just means that you will not be required to pay on it. If you believe you are exempt from collection on the judgment, it is your duty to assert that in court. If you do not assert your exemptions or if you enter into a payment agreement, then you have waived any exemption rights you may have. Finally, if you become non-exempt later, for instance by getting a good paying job, the plaintiff can then enforce the judgment against you.

Q: What happens if I declare bankruptcy?

A: Bankruptcy is a formal court proceeding and is very complicated. The result is that your assets may be taken (except for certain protected items) and then most of your debts are canceled. Certain debts cannot be canceled, however, including debts for things obtained by fraud, tax debts, debts you did not report to the bankruptcy court, debts for intentional or malicious harm to other 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. On the other hand, your credit rating can also be negatively impacted by having lots of unpaid debts.

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. Under some circumstances, a judge can give consent if the parents are unable to do so. 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. If either person is 16 or 17 and lie, the marriage is voidable. That means it can be declared invalid.

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: What is a civil union?

A: A civic union is a legal relationship between two persons, of either the same or opposite sex, in which the parties obtain a license from the county clerk. The statute says that persons in a civil union enjoy the same rights, benefits and obligations as spouses. This law is very new and it will take a while to be sure what it means.

Q: Must the persons be of the same sex to obtain a civil union?

A: No.

Q: Are there any prohibitions against obtaining a civil union?

A: Yes, You may not enter a civil union if you are under 18 years of age, in a marriage or in a previous marriage or civil union not yet dissolved, or closely related to each other.

Q: Who has to provide support in a marriage?

A: Both husband and wife must support one another and all minor children. The same would be true in civil union – each party to the union must support each other 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: In Illinois, a divorce is called a dissolution of marriage.

A judge will consider whether there are grounds for divorce or dissolution and, if so, the judge will decide 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: Can persons in a civil union divorce or have their union dissolved?

A: Yes.

Q: What are the grounds for divorce or dissolution?

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.

A contested divorce is one in which one party does not want the divorce and objects to the grounds or one where one party 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, though this six months can be extended).

Q: Can a father obtain 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: The question of paternity can be settled by a paternity agreement, but if a man denies paternity, he is not likely to settle.

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, relying on DNA evidence, usually settle the question of whether the man is the father). If the question is not settled, a trial will be held to determine whether the man is the child's father.

A man is presumed to be the father if he was married to the mother when the child was born or conceived or under certain other circumstances.

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: Someone is abusing me but it is not by spouse. Can I still seek protection from the court?

A: The Illinois Domestic Violence Act permits someone to seek protection from a whole list of people. These include someone sharing a home, someone in a present or past marriage, someone you are dating or engaged to. As above, call a lawyer or seek help from a spousal abuse or domestic violence support group.

Q: May a man seek protection from a woman? Another man? A woman seek protection from another woman?

A: Yes, if they share the home, or in a present or past marriage, in a dating relationship. 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 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.

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, once you turn 18, 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.

SEXUAL CRIMES

Q: What are sexual crimes?

A: Sexual crimes involve some sexual contact often without consent, but can sometimes be a crime even if consensual. 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, a disability, or some other impairment such as by alcohol or drugs.

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 is the age of consent for two partners to engage in sexual intercourse?

A: Most individuals can consent at the age of 17, but this may not be true for everyone. For instance, you can never have consensual sex within a familial relationship, and a child under the age of 13 can NEVER consent to sex, or any touching his/her body anywhere if it is for the sexual arousal or gratification of the other party.

Q: What if one of the sexual partners holds a position of trust or authority over the other?

A: A position of trust or authority would be if one partner is a teacher, clergy or therapist for the other party. The age of consent, if the sexual contact is by consent, is at 18.

Q: Can it be rape if the other person didn't say no?

A: Yes, it can still be rape. A victim of unwanted sexual conduct does not have to say no, does not have to fight back and does not have to scream.

Q: Is it a crime for a 17 year old to have consensual conduct with a 16 year old?

A: Yes, the age of consent is 17. If one partner is under 17, you could be charged with a crime.

Q: Is it a crime for a consenting partner to send a nude or partially nude photo to me on Facebook or on my cellphone?

A: Yes if the picture is of someone under the age of 18, this is Child Pornography. A conviction for possessing this type of image could subject you to having to register as a sex offender for the rest of your life.

Q: Could I be committing a crime by talking to my sexual partner on Facebook?

A: Yes, if you are talking about having sexual contact, even consensually, and one of the parties is under 17. This is a crime even if you do not ever even actually have sex.

Q: My partner and I did a little more than make out in my car, is this a crime?

A: It is a crime if you are anywhere in a public place.

Q: I only had a conversation with someone about performing a sex act for money. I can't be in trouble for that, can I?

A: Yes. It is a crime to offer another person money in exchange for a sex act.

Q: My friends all got together to watch a pornographic movie or to look at a nude magazine, and some people in the room were 17 and some were 18. Is this okay?

A: No, it is a crime to show any type of video or picture containing nudity to anyone under the age of 18.

REFERENCE SECTION

VOTING: Illinois Constitution, Article III, 10 ILCS 5

JURY DUTY: 705 ILCS 305

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

SEX CRIMES: 720 ILCS 5/11 et seq.