

Youth Faces the Law

A Juvenile Rights Handbook



YOUTH FACES THE LAW:
A Juvenile Rights Handbook

The Pro Bono Committee of the Multnomah Bar Association Young Lawyers Section is pleased to present the 11th edition of Youth Faces the Law: A Juvenile Rights Handbook.

We wish to thank the following persons for making publication of the 11th edition of this handbook possible:

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In addition, we wish to acknowledge the great amount of work performed by all of the lawyers and others who generously gave of their time to write, research, edit and type earlier versions of the English and Spanish Handbooks.

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Published May 2011

STATEMENT OF PURPOSE

The purpose of Youth Faces the Law: A Juvenile Rights Handbook is to provide you with a brief overview of selected areas of the law affecting youth and to enable you to identify certain legal issues that may concern you.

ABOUT USING THIS BOOK

The information in this book can help you learn about your rights and responsibilities in our legal system. The more you know about the law, the better your chances for avoiding unnecessary problems, and the easier it will be to make the law work for you. Many of the laws covered in this book only apply in Oregon. If you travel to another state, make an effort to learn the local laws.

This Handbook is divided into eleven sections:

1. Student Rights: Your rights as a student in school.
2. Employment: How the law deals with young persons before the age of majority (18).
3. Life Before Majority: How the law deals with young persons before age 18.
4. Life After Majority: Life changes when you turn 18.
5. Health Issues: How the law affects your rights regarding your body.
6. Immigration and Naturalization: A brief description of laws regulating immigration and naturalization for those persons who are not United States citizens.
7. Juvenile Laws and Rights: What happens if you get into trouble with the law, and how the courts deal with young persons.
8. Criminal Laws and Punishments: What some of the criminal laws are and how they affect you.
9. Deciding About a Lawyer: When you should seek the assistance of a lawyer.
10. Resources: Addresses and phone numbers of resources that assist youth.
11. Glossary: A brief list of legal terms with definitions.

DISCLAIMER

This Handbook contains advice as well as information. However, this Handbook is not a complete reference on those areas of the law affecting youth, and should only be used as a guide to how the law affects youth. It should not be relied upon as authority on any subject.

The Handbook is also NOT a substitute for a lawyer. The most important thing you can do if you (1) have been arrested, (2) think you have a problem, or (3) believe your rights have been violated, is to contact a lawyer. Lawyers can give you expert legal advice about what to do in specific situations. Lawyers are trained to represent you and your interests. Lawyers who are representing you are required to keep all communications confidential. That generally means your lawyer cannot tell anyone, including your parents, what you have told him or her, without your consent. The "Resources Section" of this Handbook contains the names, addresses and phone numbers for legal organizations that can assist you in finding a lawyer.

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STUDENT RIGHTS

INTRODUCTION

The laws of most states, including Oregon, require young persons to attend school. Your rights while at school are not always clear, partly because the law on student rights is changing rapidly, and partly because different schools have different rules.

In general, schools have the right to make and enforce rules dealing with student behavior. The school's power is not absolute, however.

First, the authority of the school covers only educational and related matters. This means that school rules must have a valid educational goal.

Second, a public school's rules and actions must not violate your rights under the United States Constitution or the Oregon Constitution. Some of these rights are "substantive" (like free speech), while others are "procedural" (like certain procedures the school must follow before expelling a student). While these rights may be limited in order to fulfill educational goals, your rights do not vanish simply because you are in school.

The following sections outline your legal rights as a student.

THE RIGHT TO AN EDUCATION

Schools are for your use and benefit. Oregon law requires the state to provide you with an education, and this right does not end when you reach 18. If you turn 19 during a school year, you have a right to finish that school year. If you are under 21 at the beginning of a school year, and are receiving special education or need additional education to get your diploma, you also have a right to attend school.

The right to an education means that you cannot be denied an education because of something that is not within your control. For example, a student who does not understand English must receive special instruction and/or bilingual classes. A student who has a mental or physical disability has a right to special classes to

accommodate the disability. Talented and gifted students may also be entitled to participate in special programs if their school district has such a program.

Students who are Parents or Pregnant

Pregnant students or students who are parents are entitled to attend school and may not be expelled from public school because of their pregnancy or the fact that they are parents. In fact, such students are entitled to special educational services.

Students who are pregnant or parenting must be: 1) made aware of special services in their school district or community; 2) provided life skills, parenting, and/or child care classes and counseling; and 3) provided, in general, with educational programs and schedules that meet their lifestyles.

Students with Disabilities

Under a federal law called the Individuals with Disabilities Education Act (IDEA), children with certain disabilities must receive free appropriate education. Some of the covered disabilities are autism, blindness, deafness, emotional disturbance, brain injury, and some learning disabilities. Oregon has its own laws that put IDEA into practice. In some districts, you may be entitled to education under these laws through age 21. In Oregon, once someone notifies the school of special education needs, the school has to evaluate the student for special education eligibility. The evaluation must be completed within 60 school days of the date on which the school receives written consent for testing signed by the parent or educational surrogate. If you attend a private or parochial school and you are a student with a disability, you may still be able to access special educational services through your local educational area.

Your parents, guardian, or the school may request at any time that you be tested to see if you need special education services. You qualify for special education services if you have a disability and that disability adversely impacts your educational performance. If the school requests that you be tested to see if you need special education services, and you, your parent, or your guardian do not want you to be

tested, you have a right to decline testing. The school may push for a hearing to get you and your parents to agree to the services offered. If you have been tested and the school says you should get special education, you have a right to be re-tested and the school must pay for the test.

If you have a disability, the school district will put you on an "individualized education plan" (IEP) that sets educational goals for the coming year and lists resources you can use in achieving those goals. You have the right to be put in the least restrictive environment available to meet your needs. For example, the school may not put you into a classroom with only other disabled children unless the school cannot provide you with a satisfactory education in a classroom with non-disabled students. This least restrictive placement may be out of the district. If the school cannot provide the most appropriate setting for you, they may have to pay for your placement in another program outside of the district, which may include private schools, day treatment programs or residential facilities.

Your IEP must be reviewed and updated every year, or more often if your parent, guardian or teachers request it. Your parent, guardian or teacher may request a review at any time if they believe your current IEP is not effective. If you have been placed in a special program because of a disability, you have a right to a review of your placement at least once every three years. You may request more frequent reviews.

IEP and Suspension/Expulsion

If you have an IEP, it affords you certain protections from school exclusion. For example, students on an IEP cannot be suspended for more than 10 days for one behavior. The school may suspend you for 10 more days for a different type of behavior. If the school tries to expel you, it must conduct a "manifestation hearing" to determine whether your behavior was related to your disability. If the hearing determines that your behavior was related to your disability, you cannot be removed from school. If the situation involves drugs, weapons or other dangerous behavior, the school may place you in a 45-day Interim Alternative Education Setting (IAES) even if that behavior was also linked to your disability. If you do not have an IEP but you do have a disability that the

school should have been aware of, you have those same protections from school exclusion.

Your school district must also give students access to alternative education programs that include special classes and groups designed to help students achieve their educational goals in a manner helpful to their own learning styles and needs. An educational program for pregnant students who are parents or pregnant students with special schedules and other services is one example of an alternative education program.

Your right to an education means you are entitled to an effective and meaningful learning program. However, this is a hard thing to measure. You have a right to state your opinions about the school programs in which you must participate. If you have suggestions or criticism about your school, you should try to explain them in a polite manner to your teacher, principal, or school board.

CONSTITUTIONAL RIGHTS

The U.S. Constitution and the Oregon Constitution limit what the government may do, including public schools and their officials, but not private or parochial schools. The most important constitutional rights affecting young persons in school are those protected by the First, Fourth, and Fourteenth Amendments of the U.S. Constitution, discussed below.

FIRST AMENDMENT RIGHTS: FREEDOM OF RELIGION AND EXPRESSION

The First Amendment protects freedom of speech, press, religion, and peaceable assembly. It covers the right to demonstrate, pass out leaflets, or state your opinions. Of course, no right is absolute. You cannot legally yell "fire" in a crowded movie theater if there is no fire; and you cannot use freedom of religion as an excuse for theft, murder, or any other crime. Courts have had a difficult time balancing students' constitutional rights against the schools' need for order and control.

Religion

The First Amendment to the U.S. Constitution provides, in part, that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The

framers of the U.S. Constitution included this provision prohibiting governmental support of religions as a way to ensure that the government could not interfere with nor influence religious views and practices. For example, officially sponsored school prayer violates the First Amendment. The U.S. Supreme Court has held that because public schools are governmental institutions, they cannot sponsor praying, Bible readings, or religious observations of any kind in schools, including at graduation services. Additionally, “moments of silence” have been held by the Court to be “religious” and thus, unconstitutional, unless they also serve a non-religious purpose.

Some students prefer not to pledge allegiance to the U.S. flag on religious grounds. While Oregon law requires schools to display a U.S. and an Oregon flag and to offer students the opportunity to recite the pledge of allegiance, the same law allows students to silently refrain from participating.

The law respecting whether students can meet on school grounds in extracurricular religious groups is constantly evolving. You may want to seek the legal advice of a lawyer if you have any questions regarding this issue.

Student Expression

Guidelines for students and schools regarding free expression rights are found in Tinker, a case decided by the United States Supreme Court in 1968. In Tinker, three students decided to wear black armbands as a way to protest the nation’s involvement in the Vietnam War. The school learned of the students’ plans and passed a rule that any student who refused to remove his or her armband would be suspended from school. The students wore their armbands anyway, and they were suspended. The students filed a lawsuit, and the case eventually reached the U.S. Supreme Court.

The Court found that because the students had not disrupted school activities or interfered with the educational programs of the school, the school did not have the right to punish students for expressing their beliefs.

The Tinker Court held that students have the right to express their opinions in school if they do so “without materially and substantially

interfering with appropriate discipline in the operation of the school and without colliding with the rights of others.” Called the “substantial disruption” test, this rule does not provide First Amendment protection to a student if your actions *substantially* disrupt the school’s ability to maintain order in the school and to provide you and others an education.

It is often hard to agree on what a “substantial disruption” is. Disruption caused by other students disagreeing with you is not a valid reason for a school to deny you your rights to express yourself. Nor is it enough that the principal has some vague fear that your opinions will cause trouble. However, a substantial disruption may be smaller than you might at first think. In Morse, a case decided in 2007, the U.S. Supreme Court allowed a school to punish some students for silently unfurling a banner saying “Bong Hits 4 Jesus” during a school break taken to allow the students to watch the Olympic torch relay pass the school. The principal’s authority was held to include the speech, even though it concerned only school-sponsored social activities during the school day, and even though the “speech” was a silent protest.

If school officials can provide specific reasons for their concern that your actions will cause disruption, they may ask you to express your opinion in another manner. For instance, courts have usually agreed with school officials that demonstrations cause enough disruption to be prohibited, because such conduct by students, either in class or outside of it, or even during school-sponsored activities, will likely disrupt schoolwork or involve substantial disorder or invasion of the rights of others. On the other hand, a school cannot require students to say the pledge of allegiance or stand for the national anthem. (In fact, Oregon law specifically provides that students may stand quietly during the pledge without reciting it.) Additionally, students have the right to pass out leaflets, newspapers, or other statements of opinion in school. However, the school can put limits on the time, place, and manner of your expression. For example, if you want to pass out leaflets in school, you may be required to do something to reduce the litter or the disruption.

“Plainly Offensive” Speech

Some kinds of speech are not subject to the “substantial disruption” test because they are “plainly offensive.” For example, in 1986, the U.S. Supreme Court heard the Fraser case, in which a high school student gave a speech using “an elaborate, graphic, and explicit sexual metaphor” to a school-wide assembly. The student was suspended and filed a lawsuit that eventually reached the U.S. Supreme Court.

The Court noted that there was a “marked distinction” between the students’ political message in Tinker and the sexual message in this case. The Court stated that the speech was lewd, indecent, obscene, and plainly offensive and concluded that a “high school assembly or classroom is no place for a sexually explicit monologue.” The Court also concluded that a school regulation prohibiting obscene or profane language was not unconstitutional.

Although the law in this area is constantly evolving, it appears that school officials also have broader than normal authority to regulate some kinds of speech that interfere with a school’s educational mission. For instance, in the Morse case, the Court appeared to give special weight to a principal’s authority to regulate speech supporting illegal drug use.

Your rights *could* be broader under the Oregon Constitution than indicated in the Fraser case. You may want to seek the advice of a lawyer if you have any questions regarding this issue.

School-Sponsored Speech

School board members cannot suppress expression just because they disagree with the views expressed or fear that their voters will react negatively. For example, it was held unconstitutional to pass an order barring political speeches in a school just because many persons had signed a petition opposing a teacher’s plan to allow a member of the Communist Party to speak to his political science class.

A student newspaper or other publication is part of a “school-sponsored program,” such as those published as part of a journalism class, when it is for an educational purpose, taken for credit, and with teacher supervision. If the newspaper is part of a school-sponsored program and students do not have the authority to make all

content decisions, then the newspaper’s publication is considered part of the school curriculum and school officials may regulate its content based upon a reasonable educational justification.

However, if the newspaper is not part of a school-sponsored program (such as an “underground newspaper”), school authorities may not regulate its content unless they can prove a “substantial disruption” would result. A “substantial disruption” would likely result if the paper libels (knowingly prints false information about) an individual, prints obscenity, or invades someone’s personal privacy. However, a school generally may not prohibit the publication of controversial material or the criticism of teachers and school authorities, unless physical violence or destruction of school property is likely to result.

In Hazelwood School District v. Kuhlmeier, decided in 1988, the U.S. Supreme Court upheld the right of public high school administrators to censor stories concerning teen pregnancy and the effects of divorce on children from a school-sponsored student newspaper.

The most significant aspect of the Hazelwood decision is its emphasis on determining whether a student publication is or is not a “public forum” for student expression. If the student expression comes in a school-sponsored activity, it does not receive strong protection under the First Amendment because this is not a “public forum.” However, if the expression is not part of a class activity or a school-sponsored pursuit, then students generally have greater freedom to express themselves.

Hazelwood expanded the authority of school officials to censor a student publication that is part of a school-sponsored program, allowing them to censor those publications if they can show that the censorship is “reasonably related to legitimate pedagogical [educational] concerns.” Under this rule, school officials might be able to censor: material that is “ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.” School officials might also censor potentially sensitive topics, such as “the essence of Santa Claus in an elementary school setting,” “the particulars of teenage sexual activity in a high

school setting,” “speech that might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.” In addition, the Court said school officials can censor material that would “associate the school with anything other than neutrality on matters of political controversy.” Despite those broad powers, school officials were not given limitless authority under Hazelwood. They still must justify their censorship as the expression of a “valid educational purpose.”

For all public forums, extracurricular and underground publications, the Tinker standard is still the law. School officials can only censor those publications when they can demonstrate a material and substantial disruption of school activities or an invasion of the rights of other students.

However, any curricular, non-public forum student activity that involves student expression could be affected, such as theatrical productions and other student activities such as art shows.

The Supreme Court was only ruling on the protections the First Amendment offers to public high school students. However, the Court left open the possibility that other avenues of protection, including everything from state constitutional provisions or state laws to school board regulations, may still prevent school officials from censorship of student expression in private school settings or at other levels of public schools.

Personal Appearance

Personal appearance may be another way to express your beliefs. School officials have the authority to institute dress codes that prohibit you from wearing certain clothing if wearing such clothing causes a “substantial disruption” to school operations. Again, the school officials must be able to point to a specific reason for their concern that certain clothing will cause such a “substantial disruption” to school operations. Regulations that are made for reasons of health and safety are generally allowed. For example, a ban on shoes with cleats would be a reasonable way to protect the school’s floors.

Assembly

The First Amendment also protects the right of assembly. However, school authorities have the right to require that school-sponsored student clubs or groups not discriminate in their membership on the basis of race, sex, or religion. Fraternities, sororities, and other “secret societies” are prohibited under Oregon law in public elementary and secondary schools.

FOURTH AMENDMENT RIGHTS: SEARCH AND SEIZURE

The Fourth Amendment guarantees a person freedom from unreasonable searches and seizures. Part of determining whether a search is unreasonable is asking whether the person searched had a “legitimate expectation of privacy.” Although the law recognizes that students have a legitimate expectation of privacy, this expectation of privacy is less for students in school than for the general public because it is balanced against the school’s need to maintain a safe learning environment.

The standard to be used by school staff in searching a student is “reasonableness under the circumstances” or “reasonable suspicion.” School officials may search you if they have reasonable suspicion of an immediate threat of serious harm to students or staff. This includes reasonable suspicion of illegal drugs on school grounds.

A search is reasonable if it is justified and if the scope of the search reasonably relates to the circumstances justifying it. For example, a search is justified when a school official reasonably suspects that a search will uncover evidence that you have violated the law or school rules. The scope of the search depends upon the nature of the infraction as well as your age and sex. A search may not be excessively intrusive. For example, you may not be strip-searched for cigarettes.

If school officials do not have reasonable cause to search you, and a search is made anyway, the school district may be liable to you for money damages.

In one case, the U.S. Supreme Court decided that random urinalysis drug testing—which is viewed as a “search”—of student athletes in the

Vernonia School District in Oregon was reasonable under the Fourth Amendment. The school would not let a student play football because he and his parents would not consent to the school district's random drug and alcohol testing. The student and his parents sued the school district, and the case eventually reached the U.S. Supreme Court. The Court concluded that the school's testing program was reasonable because: (1) students in general, and student athletes in particular, have a lower legitimate expectation of privacy; (2) the way the testing was conducted meant that the invasion of privacy was not significant; and (3) there was evidence that the school district had a present, severe drug and alcohol problem, which the school had an important interest in addressing.

However, this decision does not mean that all drug and alcohol testing in schools is reasonable. The Court addressed only the situation of students who wanted to participate in voluntary sports programs—the Court did not approve of random testing of other students. If you are asked to submit to urinalysis, you are entitled to a test conducted in privacy. Although a same-sex adult may be in the room and listen to you urinate, girls should be able to use stalls with closed doors and boys should be able to stand fully clothed at a urinal with the same-sex adult a significant distance behind.

Also, the school should limit the number of persons with access to your test results, and the persons who do have access should have a good reason for having it. The lab doing the test should not know your identity. If the school asks you for a list of prescription medications you are taking, you should agree to provide it only in a sealed envelope to be opened by the lab. The testing cannot be used for other purposes, such as to find out if you are pregnant.

It is important to remember that if police are involved, a higher standard must be met before police may conduct a search. This standard is "probable cause," which means having specific and clearly stated facts that indicate the law or school rules have been violated.

You always have the right to say no when asked by either school officials or police if they may search your belongings. If you say no, this does not necessarily mean the search will not happen. However, it can affect the ability of the

school or police to use what they find during the search as evidence against you. If the search was not legal, the results of the search may not be used as evidence and you may be entitled to money damages. If you agree to the search, it does not matter if the search was not legal as described above—the results of the search can be used as evidence. Always keep in mind that the school and police cannot force or pressure you to say yes.

It is important to remember that if police are involved, a higher standard must be met before police may conduct a search. A warrant is not required to search you under the school's authority. However, the police generally must have probable cause and a warrant to search you outside of school. "Probable cause" means having specific and clearly stated facts that indicate the law or school rules have been violated (see the "Juvenile Laws and Rights Section" of this Handbook for further information on searches and seizures outside of school).

You need to know the school's locker policy before you may assume that your locker is private. A lock is no guarantee of privacy. A school may retain the right to search lockers under certain circumstances, for example, when school officials retain joint control over the locker with you, or if the school's policy is to regularly inspect student lockers. The school should have a specific written policy about locker searches.

Police Interrogation at School

School authorities and the police often interrogate or question students while they are at school. Sometimes they are questioning students who are victims or witnesses in incidents they are investigating. Sometimes these interrogations are concerning potential crimes that have occurred at or near the school. But, very often the interrogation concerns a potential crime that has nothing to do with the school.

Whether you are a victim, a witness or a suspect, the police may question students at school without notifying their parents or allowing them to be present. You can ask for your parents to be present; however, Oregon law does not require that a juvenile be allowed to talk to or have a parent present during an interrogation. Asking for an attorney, however,

will make the police stop the interrogation until an attorney for you is present. If the police do not provide you an attorney on request, they risk not being able to use any of your statements against you in court.

Courts view public school authorities as officials of the state. If questioned about a criminal matter, you do not have to answer any questions from the principal or the police. In these circumstances, you should be advised of your “Miranda Rights” (see the “Juvenile Laws and Rights Section” of this Handbook for further information about when the police stop you). In general, unless you are sure that a simple statement of truth will clear you, it is better to say nothing and consider consulting a lawyer.

FOURTEENTH AMENDMENT RIGHTS: NO DISCRIMINATION

Legally, discrimination means being treated differently from other persons in the same situation without a good reason. In Oregon, it is illegal to discriminate in any public school, school program, service, or activity. Oregon law defines discrimination as “any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability.”

An obvious example is racial discrimination. There is no good reason to treat persons differently because of the color of their skin. For example, it is discrimination to set school district boundaries to either consolidate or separate students based on race.

Disabled students are protected from discrimination by an important federal law called the “Americans with Disabilities Act” (the ADA). Under the ADA, “disabled” has a broad meaning, including having a physical or mental handicap that substantially limits a “major life activity,” such as walking, hearing, or caring for oneself. For example, under the ADA, deaf students, students in wheelchairs, and students with AIDS are all considered disabled. If a disabled student presents a health or safety risk, the school may take steps to protect other students and staff.

The ADA prohibits schools (and other institutions such as stores and restaurants) from excluding the disabled or refusing to make changes to their facilities to allow the disabled to use them. This means that schools must, for example, provide ramps, special doorways and accessible classrooms and restrooms for wheelchair-bound students.

Disabled students must also be allowed to participate in school and school activities and to benefit from them in the same manner as non-disabled students. For example, a different or separate physical education class for deaf students or students in wheelchairs might be illegal under the ADA, unless the school can prove that such a class is necessary to provide the disabled students with an equal educational experience.

Mental handicaps are more complicated. Schools will always fail students who simply do not learn. But some handicaps such as cerebral palsy may cause a person to be unable to write. Under traditional academic standards, this might cause a student to fail, but if a teacher were to accept a tape-recorded term paper, the student would have a better chance of succeeding. If you are disabled, you may have a right to special education. See “The Right to an Education Section” of this Handbook.

While sex discrimination is against the law, there are some times when there is good reason to treat males and females differently. For instance, it is legal and sensible to have separate restrooms and locker rooms, but it is illegal to exclude boys from home economics classes or girls from shop or auto mechanics classes.

Physical education classes must be coeducational, except where contact sports (football, basketball, wrestling, etc.) are involved. Intramural and interschool athletic programs must provide equal opportunities for both sexes, all ages, ethnic groups and disabled students. Schools need not provide the exact same funding for separate-sex teams, but teams for both sexes must each be given necessary financial support.

If you have attended one school, either public or private, and transfer to another, you must be allowed to participate in sports. Oregon law

prohibits schools from refusing to allow you to participate in athletics just because you transferred, whether or not you participated in athletics at another school.

Sexual Orientation

The law covering discrimination on the basis of sexual preference is relatively new and changing all the time. In addition to anti-discrimination laws, the basic principles discussed under First Amendment Rights in this Handbook also protect gay students' rights. For example, school officials do not have control over a student except when he or she is on school grounds or engaging in school-sponsored activities. Thus, a gay or lesbian student can date or socialize with whomever he or she chooses without fear of repercussions by school officials.

All students have a right to be treated fairly, and school officials cannot make arbitrary rules that discriminate against gay and lesbian students. Actions such as exclusion from school, school activities, or sports because a student is gay or lesbian would most likely be discriminatory and violate the student's due process rights.

In addition, a gay or lesbian student's freedom of speech or expression may not be restricted unless his or her speech would cause a material and substantial interference with schoolwork or discipline. The objections of *other* students to a gay or lesbian student's discussion of his or her preferences or the distribution of leaflets or buttons are not enough to cause such a material and substantial interference.

What can be done to stop discrimination? Make your experiences known. Talk to your parents, school counselor, and teachers. Talk to other students and try to get the school to change its policy. If informal action does not work, call a group like the American Civil Liberties Union (ACLU), which can refer you for help or file a complaint with the school board. See the "Resources Section" of this Handbook.

Attendance

Oregon law requires students between the ages of 7 and 18 who have not completed the 12th grade to attend public full-time school of the school district in which the student resides. However, certain exceptions to this law exist for:

- Students attending private school
- Students who prove to the satisfaction of the school board that they have acquired equivalent knowledge to that taught in grades 1-12
- Students being taught in an approved home-study course
- Students aged 16 or 17 who are employed full-time, or work part-time or who attend community college or other alternative education programs
- Students who have received a high school diploma
- Students who are "emancipated minors" or who have initiated the procedure for emancipation under Oregon law

School districts may adopt policies allowing teachers to consider attendance in determining grades and deciding whether to give credit for classes. Eight unexcused, one-half day absences in any four-week period during the school year is considered irregular attendance. A student may have an excused absence (approved by the school board) for up to five days every three months. If you think your absences might reach this limit, you must submit the reason for your absences to the principal in writing.

Under Oregon law, students need not attend high school for four years in order to receive a diploma. With a parent or guardian's consent, students who have earned all of the required credits may request and receive a diploma after attending high school for less than four years.

For information about the results of skipping school, see the truancy section of the "Criminal Laws and Punishments Section" of this Handbook.

School Rules

Each school district must prepare written rules of student conduct that include the topics discussed in this section. While individual schools may also have rules, they will often be less complete than the school district's rules. School district disciplinary policies are available on line or from your school district.

You have a right to a copy of the school district's rules, which you should get and read so you will know what is expected of you and what procedures the school district has set up to handle problems. Many school districts have complaint procedures that you can use to work within the school system to challenge unfair policies. You can start these procedures on your own if you have complaints.

Tobacco

It is against Oregon law for anyone under 18 to possess tobacco products. Schools must also have a written rule prohibiting the possession of tobacco products on school grounds or while attending school activities. This law covers public schools, private schools, and juvenile training/detention facilities.

Punishment: Suspension or Expulsion

Your right to an education can be taken away from you temporarily if you violate school rules. Suspension is a temporary removal from school and cannot be longer than ten school days. Expulsion is a removal from school that lasts longer than 10 days, but cannot last longer than one calendar year. If the school wants to expel you, you are entitled to a due process hearing.

The following acts are grounds for suspension or expulsion under Oregon law:

- Willful disobedience
- Open defiance of a teacher's authority
- Use of profane or obscene language
- Willful damage to school property
- Injuring or threatening to injure a fellow student or intimidating or harassing a school employee
- Bringing weapons to school

Each school district must have a policy requiring a one-year expulsion for students who bring weapons to school. Your superintendent has discretion to modify the one-year expulsion. Your school district may list additional reasons for suspension or expulsion such as theft, possession of dangerous instruments, or possession or use of drugs or alcohol.

School districts may also have policies allowing schools to request that your driver's license or

permit be suspended or that you not be allowed to apply for a license or permit, if you have been expelled or suspended for certain reasons.

Instead of suspension, you can be required to come to school during non-school hours. Rules for suspension and expulsion vary in each school district. In general, however, the more serious the violation of the school rule, the more likely you are to be expelled. Suspension does not necessarily come first—you can be expelled without first being suspended. Rules for suspension and expulsion vary in each school district. Check the district handbook, which you can pick up at your school office.

The Fourteenth Amendment to the U.S. Constitution guarantees your right to "due process" whenever the school attempts to take away your right to an education. This means that the school must follow procedures that protect you against unfair treatment. What is considered unfair treatment will depend on the seriousness of the charges against you and what action the school intends to take. In any case, these procedures must be reasonable and clearly spelled out and you must be made aware of them.

If you have an IEP or are in special education classes, there are limits on the amount of time you may be suspended and the school may not be able to expel you. See the discussion about special education starting. Even if you are not yet on an IEP or in special education classes when the school tries to suspend or expel you, the same limits may apply if you are eligible for an IEP.

For suspension, the law requires only that you be told of the charges against you and be given a chance to tell your side of the story. Telling your side of the story may not mean a formal interview in the principal's office. It can merely be a principal or teacher asking you in the hallway: "What happened?" This must be done before you are suspended, unless there is a serious risk that great harm will occur if you are not suspended immediately. In that case, you may be suspended first and given a chance to explain later. Since suspension lasts only a few days, there is no further action you can take. However, you may want to have your explanation of the events that caused the suspension added to your student records.

For expulsion, the law requires that you be given a full hearing prior to the expulsion. This includes the following rights:

- To be told of the charges against you and the specific facts on which the charges are based
- To be given notice of the hearing
- To bring a lawyer or other representative to the hearing
- To question, or have your lawyer question, witnesses who testify against you
- To present witnesses in your favor
- To receive a written decision

The hearing will be private, unless you or your parent or guardian request a public hearing. If you go through the school's expulsion procedures, including appeals, and are expelled, you can take the matter to court.

In almost all cases, you would be suspended while the school decides whether to expel you and until the expulsion hearing is held. However, in most cases, suspension should not last longer than five school days, unless there are special circumstances. In no case may suspensions be longer than ten days.

If you or your family has a lawyer, it is a good idea to bring your lawyer to the expulsion hearing. This will ensure fair treatment of you during the hearing. If a lawyer is not available, you should make sure that you bring a trustworthy adult witness with you to the hearing.

If you are expelled you have a right to attend an alternative education program provided by your school district. Your school must provide you with a list of alternative educational resources. If your expulsion involved use or possession of a weapon, the school may be able to prohibit you from even an alternative education program. If you are expelled, it is important to promptly begin to attend the alternative education program so that you do not fall too far behind.

Other Punishment

In Oregon, corporal (physical) punishment is illegal. A teacher's authority to discipline

students does not authorize the willful infliction of physical pain on a student.

However, Oregon law does permit a teacher to use reasonable physical force upon a student "when and to the extent the teacher reasonably believes it is necessary to maintain order." This means that reasonable physical force may be used for the protection of other students and teachers. Punishment which inflicts a lasting injury is clearly illegal and allows you to sue the teacher, principal, school or school district for money damages.

Schools have other methods of punishment that are generally legal as long as they do not deny you your right to an education or take away other important rights without "due process." Each district has its own rules. You can find out about the rules in your district by contacting your school's principal. The school must show you a copy of the district's rules of student conduct and discipline.

STUDENT RECORDS

Your school records can be important to your future. School records are supposed to be confidential, and they should not be released without written consent from you (if you are 18 or older or if you are attending a post-secondary school), your parent, or your guardian. However, when you apply for a job, military service, or college, your school records are often required as part of the application process. Because school records summarize an important part of your life, it is a good idea to check your records to see if they are accurate.

Until you turn 18, you do not have a legal right to look at your records. On the other hand, the law does not require that the records be kept from students. Some school districts may allow you to see your records, even if you are under 18. Check your school's policy on this. Your parent or guardian does have a right to see your records. You can find out what is in them by getting your parent or guardian to check. Schools must have student records policies and must give you a copy of the policy if you ask for it.

Once you know what is in your records, you can decide whether you want to allow the school to release them. In most cases, the school

requires written permission from your parent/guardian (if you are under 18) before releasing your records. However, there are exceptions. Schools may release records without consent in response to requests from another school or college that you have applied to, requests in connection with a "health or safety emergency," and a request authorized by a court of law. If your records have been wrongfully released, you may be able to sue and receive money damages.

If you find something in your records that is incorrect, misleading, or irrelevant, you can challenge it. The exact procedures will vary in different schools. However, you must be allowed to have a hearing before an impartial person and ask to have the record changed. At the hearing, you must be given the chance to present your reasons for disagreeing with what is in your records. You may bring a lawyer to the hearing if you wish. Even if the school decides not to change your record, you or your parent or guardian have the right to put into your record an explanation or a statement of why you disagree and that statement must always be provided when the school releases that part of your records.

When a teacher or other school official writes a job or college recommendation for you, the recommendation becomes part of your official record. You should be able to find out what the letter of recommendation says, just like any other part of your record.

Grades are an essential part of your school record. Grades should reflect only your academic achievement. Your grade cannot be based only on misconduct or bad attendance, but attendance may be a factor in your grade if the teacher shows how attendance relates to educational goals. Excused absences or absences due to religious reasons or your disability can never be factors in grading. If you think a teacher has improperly graded you, you have a right to challenge the grade just like any other part of your record. You are also entitled to a hearing on the matter.

If you have lost, willfully damaged, or injured school property, or failed to pay fees, the school may withhold grade reports, diplomas, and records until an agreement about payment is reached.

DEFENDING YOUR RIGHTS

The fact that you have a right does not mean that a teacher or principal will always recognize it. But if you are aware of your rights, often a polite reminder to the teacher or principal will be enough to protect you against unfair treatment or punishment.

If possible, you should work within the school system to oppose illegal or unfair policies and actions. Going to court should be a last resort because of the time, effort, and expense involved, and the uncertainty of the result. Also, courts generally will refuse to deal with an issue until the complaining person has tried to resolve the problem within the school system.

EMPLOYMENT

WHAT DOES THE LAW ALLOW?

There are special laws for minors who work for money known as the "Child Labor Laws." These laws protect you from being used as a source for inexpensive labor and protect you in the workplace. The Child Labor Laws in Oregon also regulate how you get a job, the number of hours you work, and the pay you will receive.

WHAT YOU NEED TO GET A JOB

To apply for a job in Oregon you must have a social security number. It is possible that you already have one. Check with your parent or guardian. If you do not have a number, you can get one from the Social Security Administration. The Social Security Administration has offices in various locations throughout the Portland Metro area. See the "Resources Section" of this Handbook.

If you are under age 18, you can obtain a social security number either in person or through the mail. You will need to complete an application, which you can request over the phone by calling (1-800-772-1213). If you are over 18, you must appear in person. The application must be completed using blue or black ink. Your parent does not need to sign the form unless you cannot sign your name using cursive handwriting. For a first time application, you

also need to provide a certified copy of your birth certificate (if you were born in Oregon you can get a copy from Oregon Vital Records, see the "Resources Section"), and one form of identification such as an immunization record, a medical record, a report card, or any kind of bill with your name on it. You must provide the Social Security Administration with the original of this piece of identification. If you are applying by mail, the Social Security Administration will mail it back to you.

If you were born outside the U.S., in addition to the above, you will need documentation showing that you are legally in the U.S. You should call the Social Security office before you apply for your social security number to make certain you have the correct documents.

As of September 1995, minors no longer need to obtain work permits before they can be employed. It is your employer's responsibility to check your age and comply with state permitting laws. If you are under 14, you and your employer may have to jointly apply to the State for permission for you to work. Your employer or the State Bureau of Labor and Industries, Wage and Hour Division can give you more information. See the "Resources Section".

Once you have your social security number you may apply for any job for which you qualify. To determine if you are qualified, the employer will conduct an interview where he or she will ask questions to decide whether or not to hire you. Although the employer may ask many things, there are discrimination laws that prevent the employer from asking and making a hiring decision based on certain questions. Examples include inappropriate references to a person's sex, religion, race or national origin.

WORKING CONDITIONS AND BENEFITS

Type of Work

The Oregon Child Labor Laws exist to provide guidelines to employers for the types of work you can do, the number of hours you may work, the pay you receive, and the benefits to which you are entitled. If you are under 18, you can be employed to do any number of things, but you may not be employed in dangerous occupations. Some examples of dangerous occupations include driving cars or other vehicles on the job,

and using meat slicers or bakery equipment. Also, if you are under 16 you may not be employed in door-to-door sales. If you are under 14, you cannot work anywhere alcohol is served, or in theaters or amusement parks. If you are under 12, you may work on a farm. If you are under 9 you may work on certain small farms. Furthermore, no one under 18 may be required to lift excessive weight as part of their duties.

Hours

Minors in Oregon are only allowed to work a certain number of hours during the week. These numbers vary depending on the minor's age and are more flexible for minors over the age of 16. Generally, if you are 16 or 17, you may work at any time of day, and up to a maximum of 44 hours a week.

If you are 14 or 15, when school is in session, you may only work three hours a day on school days, and eight hours on non-school days, for a maximum of 18 hours a week. You cannot be required to work during school hours.

When school is not in session, a 14 or 15 year-old may work up to 8 hours per day and a maximum of 40 hours per week.

Generally, 14 and 15 year-olds may not work before 7:00 a.m. or after 7:00 p.m. Exceptions include paper routes, working in agriculture or housework/child care, and when your employer gets special permission from the State. Even if your employer has this special permission, you cannot work before 6:00 a.m. or after 7:00 p.m. In the summer, you can work until 9:00 p.m.

If you are between 12 and 14, when school is in session, you may only work two hours on school days and six hours on weekend days. During school terms, you cannot work more than 18 hours each week. During vacations of two weeks or more, you may work up to eight hours a day and 40 hours per week. Regardless of whether school is in session, you may not work before 8:00 a.m. or after 6:00 p.m. and you cannot work more than five days a week.

If you are under 12, you may not work at all when school is in session. During vacations, you may work the same hours as minors between 12 and 14. There is an exception:

children ages 9 to 12 may be employed (only during non-school hours) to pick berries and beans to be sold within Oregon.

The Child Labor Laws also require your employer to give you meal periods and rest periods (or “breaks”). Generally, you must be given 30 minutes for a meal which must begin within five hours and one minute of starting work. You must not be required to do any work during this time and you will not be paid for the 30 minutes. If you are at least 16, you may be asked to continue to do some work or be “on call” during meal time, but you must be paid for the 30 minutes. Your employer can apply to the State for permission to not follow the meal time laws. Breaks are 15 minute periods in every four hours worked for persons under 18 years of age. For persons over 18, breaks are for 10 minutes every 4 hours worked. Breaks are in addition to meal times. You must not be required to do any work during your break, and you must be paid for your break time.

Wages

An employer is also generally required to pay you the current minimum wage, which is \$ 7.95 per hour. Some jobs are not covered by this and may pay less than the current minimum wage.

An employer must pay you for all hours worked including preparation time, opening and closing times, and required meetings. Tips cannot be used as a credit toward the wages owed by your employer. Your employer generally cannot deduct from your wages for breakage, cash shortages, tools or uniforms. If you feel that you are not receiving the correct wage, ask your employer, or the Oregon Wage and Hour Division. See the “Resources Section.”

Employers generally must pay an overtime rate for any hours worked over 40 in a week. The overtime rate is one and one-half times your regular wage. Note that agricultural employees are not eligible for overtime pay.

Employers must withhold certain taxes from the paychecks of most employees, including minors. Employers also withhold an amount for social security benefits. Social Security is a federal program that pays retirement, disability, or death benefits to eligible workers and/or their families.

These deductions help to fund these programs. The employer shall automatically withhold the proper amount from your pay.

When you get a job, one of your first tasks will be to fill out a W 4 form that helps your employer determine how much of your pay to withhold for income taxes. The form has a worksheet that helps you decide how many withholding allowances to claim. The form is complicated and it is very important to complete it accurately, so get help from your employer or the company’s personnel department.

Workers’ Compensation

Finally, every employer must maintain adequate workers’ compensation coverage on their employees, including minors. Workers’ compensation is provided so that if you get injured on the job, you can receive some type of compensation while you are recovering. Although there are some exceptions to this rule, generally all work that you could be employed to do as a minor will be covered. If you are injured on the job, tell your employer immediately.

LIFE BEFORE MAJORITY

INTRODUCTION

The law treats young persons differently from adults. This is true in your everyday life as well as if you get into trouble and become involved with the juvenile court. This section contains information about your rights as a minor in a variety of situations.

CONTRACTS

A contract is a legally enforceable promise. This means that if you enter into an agreement with another person promising to perform some service or to pay for some service or product, and you fail to perform as you promised, a court may require you to keep the promise you made to that person. Contracts are generally written and signed, however, oral (spoken) agreements may also be contracts.

Before you turn 18, the law allows you to “avoid” or break certain kinds of contracts that adults would be required to honor. The law protects

minors in this way because it is easy to make a bad deal and because there are many persons who would otherwise take advantage of minors. For example, if you bought a stereo when you were 15 and decided later that you didn't want it, you should be able to return it; however, you will not actually get all your money back. The seller is entitled to some money because you used the stereo, or because it decreased in value during the time you owned it. You can return the item at any time before you reach 18, or within a reasonable time after you become 18.

Being able to avoid a contract may seem like an advantage. However, it also has disadvantages. Some persons will not do business with you because you have the power to back out of deals, even if you are willing to promise that you will not. There are some contracts you must honor, even though you are under 18. These include, but are not limited to, purchases of necessities, like food and medical or dental services. Lawyer fees can also be considered necessary expenses.

Many in the community will not enter into a contract without the consent of the minor's parent or guardian. However, there are exceptions to this general rule about what kinds of contracts minor can enter into if the minor is 16 or 17 years of age and is either pregnant or is already a parent. In some cases, such minors are able to contract for housing and utilities without parental consent. These exceptions in the law are aimed at giving homeless youth with children the ability to take care of themselves and their families.

Always read a contract before signing it. If you do not understand it, talk to someone who does. Sometimes contracts contain a printed statement that the signer is over 18. You should never lie about your age in a contract. If you do, you may not be able to avoid that contract later.

Since contract law can get extremely complicated, it is often a good idea to see a lawyer before you enter into a major contract such as (1) buying something that costs more than \$1,000 or that will take more than a year to pay off; or (2) agreeing to pay for services that will take more than a year to complete. A lawyer

¹ **ORS 109.697 (Right to contract for dwelling unit and utilities without parental consent)**

can help you understand the small print contained in the contract and work out the details. See the "Resources Section" of this Handbook for a listing of legal resources.

SMALL CLAIMS COURT

If you have any disagreements about money matters or contracts involving less than \$5,000 that you cannot settle out of court, you should consider going to Small Claims Court. A lawyer is not required, and any person, no matter what age, may sue or be sued in Small Claims Court. If you are under 18, however, your parent or another adult must be appointed to bring the suit or defend against it on your behalf.

Here are some examples of the types of claims that typically end up in Small Claims Court:

- A newspaper delivery person may sue to collect unpaid bills
- A tenant may sue a landlord to get back a security deposit
- A consumer may sue a store to get back his money for some damaged merchandise
- A crime victim may sue to recover damages (money for physical injury or property damage)
- If you take someone to Small Claims Court, you will have to pay a filing fee

Whether you are the one suing or being sued, you should always prepare your case carefully ahead of time before you go to Small Claims Court. It helps, if you have the time, to visit the court first to see how it works. On the date of your case, show up on time and present your evidence and arguments clearly and briefly. Do not forget to bring with you photographs and other documents which support your case. You will not have very much time, so stick to the important facts, and be ready to challenge your opponent's arguments when you are given a chance to speak. There is no appeal (second chance) from Small Claims Court. This is your only chance to win your case.

There is a Small Claims Court in every county in Oregon. To find out more about filing a claim in this court, contact the Small Claims Department in the courthouse of the county where the person you are suing either lives or does business. There are also booklets for sale about

Small Claims Court in some bookstores. You may also contact a lawyer if you have any questions about Small Claims Court.

See the "Resources Section" of this Handbook for the Small Claims Courts in Multnomah, Clackamas, and Washington Counties.

CHILD ABUSE, NEGLECT OR ABANDONMENT

In general, the law does not interfere with family matters. The law recognizes that your parent or guardian is in charge of you and expects you to live with them and obey them until you are 18 or become emancipated.

However, there are situations in which the legal system will get involved. If you, a friend or anyone in your family, is being abused or neglected, then you or any other interested person should report the situation to an adult that you trust or directly to the Child Abuse Hotline. You can tell any school teacher, counselor, nurse, doctor, dentist, police officer, psychologist, clergy-person, social worker, optometrist (eye doctor), chiropractor, day care or foster care worker, lawyer, firefighter or emergency technician. These persons are legally required to report the abuse or neglect to the police or the Department of Human Services (DHS) even if they have no personal knowledge of anything that has happened.

When anyone makes a report of child abuse or neglect to the Child Abuse Hotline, the operator who answers the phone will enter the information into a statewide computer system. The operator will also pass the information along to an investigator who will decide how quickly DHS or the police will need to respond. They may also decide the report does not describe abuse or neglect serious enough for the state to further investigate.

If there is a decision to investigate the report, either a DHS social worker, a police officer, or both will attempt to contact people involved in the child or children's lives to determine whether there is a risk of harm. This could include going to school to talk to the child or going to the family home to interview the parents or

guardian. Examples of things that put children at risk of harm include physical or sexual abuse, medical neglect, or any act or inaction by a caretaker that threatens the physical, psychological, or emotional health of a child.

If you believe you or someone you know might be abused, you should call the DHS hotline. If you wish to remain anonymous, you can make a report by telephone without leaving your name. See the "Resources Section" for child abuse reporting hotlines.

What is child abuse or neglect?

Your parent or guardian is required by law to care for and support you until you turn 18. DHS and the juvenile court may provide help for you on the grounds that you are a neglected child if your parent or guardian neglects or maltreats you in one of a number of ways that include, but is not limited to:

- Fails to give you food, clothing, shelter, an education, or medical care in a way that is likely to endanger your health or welfare
- Fails to provide adequate supervision for you such that you are endangered
- Exploits you by involving you in a criminal activity
- Abandons or deserts you
- Exposes you to a substantial risk that you will be physically or otherwise harmed
- Permits you to enter or remain in a place where methamphetamines are being manufactured.

Additionally, if you are under 16 and someone who has custody or control over you knowingly leaves you or allows you to stay in a car where illegal drugs are being made or delivered for money, that person has committed the felony of Child Neglect in the First Degree. If a person who has custody or control over you leaves you on or near property where illegal drugs are being made or delivered for money, that person has also committed the felony of Child Neglect in the First Degree.

The legal system is available to help you if you are being abused. Child abuse can be emotional abuse, physical abuse, sexual abuse, or a combination of abusive behaviors by your

parent, guardian or other persons in your life. Abuse does not include reasonable discipline unless the discipline results in physical injury, emotional injury or is a form of sexual abuse.

Emotional abuse: You may be a victim of emotional abuse and suffer from mental injury if the adults in your life treat you in emotionally destructive ways, including, but not limited to, a pattern of rejecting you, terrorizing you, ignoring you, isolating or confining you, corrupting you, ridiculing you, blaming you or scapegoating you, threatening you, depriving you of necessities, or exposing you to violence.

Physical abuse: Your parent or guardian has very limited rights to use physical punishments. Your parent or guardian cannot beat you or otherwise physically injure you. Your parent or guardian is required by law to protect you from abuse. Even if only one parent or person in your home is abusive, the other parent is generally viewed by the law as being partially at fault for not protecting you from the abuse. These issues are very complicated when there is domestic violence in the home between parents and/or parents and children.

Domestic Violence: The law views domestic violence in the home as abuse to children – even if the children are not physically injured themselves. Witnessing violence between parents and/or other adults in a child’s home is viewed as particularly harmful for their psychological and emotional development.

Sexual abuse: It is wrong and it is against the law for any person and particularly, anyone in your family to have any sexual contact with you. Child sexual abuse includes all contact and interactions done by a person who wants to be sexually aroused by the contact. Sexual abuse includes, but it is not limited to, someone exposing himself or herself to a child; exposing the genitals of a child; fondling; sexual harassment; sexual penetration with a foreign object; rape; sodomy; forcing, permitting or encouraging a child to watch pornography or sexual activities; and sexual exploitation such as using children for pornography or prostitution. Victims of child abuse are usually warned not to tell anyone, and may also be threatened, thus creating a frightened conspiracy of silence about the abuse. If you or anyone you know is being

sexually abused it is important for you to report such activity to an adult you can trust. The legal system exists to try to help you.

If you have been abused or neglected by a parent or caretaker and the Department of Human Services has not become involved or has not taken the necessary steps to protect you, then you or another person can file a petition in Juvenile Court to ask the Court to order DHS to provide you with protection. For more information, contact Youth, Rights & Justice.² See “Resources Section.”

When a family problem of child abuse or neglect comes to the attention of the juvenile court, there may be investigations and court hearings to help the authorities decide what action is in the best interests of the child. The court may return the child to their parent or guardian with counseling in place or additional supervision by other family members and adults known as safety service providers. The child can also be placed in the custody of relatives, a foster home or residential care facility. In serious cases of child abuse and neglect, the state may take actions against the parent or guardian, including prosecuting them criminally, putting them in jail or prison, or terminating their rights as a parent or guardian. Whenever you are involved in juvenile court proceedings as a minor, you have the right to have a lawyer represent you just like the parent or guardian has a right to legal representation. These lawyers are trained to help you tell the court what you think is in your best interest and to advise you about what is going on in the legal case. You may request the court to appoint a lawyer for you if you cannot afford one.

Child Custody Disputes Between Parents

In Oregon, a minor has a right to have an attorney appointed to represent their interests when the minor’s parents are involved in a divorce or child custody case that involves the minor. If you feel that your interests and desires are not being adequately represented in the case, you can ask the judge for an attorney.

² The Juvenile Rights Project changed their name in 2011 to Youth, Rights & Justice. While they still do the same things for youth, they want to take into account their representation of parents as well as children in juvenile court. www.jrp.org

You can do this by writing the judge a letter asking for an attorney, or one of your parent's can ask for the attorney for you.

EMANCIPATION

If you are "emancipated," it means that the law will treat you like an adult even though you are still a minor. If you and your parent or guardian agree that you should be on your own before you turn 18, you may want to consider applying for emancipation with the juvenile court.

Emancipation is a legal right of a minor, not a right of the parent or guardian. Your parent or guardian cannot force you to be emancipated. Once you are emancipated you are no longer subject to your parent's or guardian's control and will be treated like an adult in most ways. Your parent or guardian will no longer be responsible for caring for you or housing you.

The procedure for emancipation may differ from county to county. You need to file an application and pay a filing fee. Multnomah County charges \$50 to file for emancipation; other counties may charge less. There will be a preliminary hearing within ten days, and a second hearing within 60 days of filing your application.

The juvenile court may enter a decree of emancipation where you are at least 16 years of age and the court finds that your best interests will be served by emancipation. The court will take into consideration the following factors:

- Whether your parent or guardian consents;
- Whether you have lived (or are living) away from home and can financially support yourself (proof may include rent receipts and paychecks); and whether you are mature and knowledgeable enough to manage your own affairs (letters from teachers and employers will be helpful).

Each county may have additional requirements for emancipation, such as health insurance coverage and/or a savings account. Contact the juvenile court in the county in which you live to find out if that county has any additional requirements.

If the judge declares you emancipated, you will legally be an adult, with a few exceptions. You will be treated as an adult if you commit a crime. The juvenile court will no longer have control over you. Curfew violation, running away, and other status offenses (discussed in the "Criminal Laws and Punishments Section") will no longer apply to you. Your parent or guardian will no longer have the right to control you. You will have the ability to make binding contracts, sue and be sued, and be an adult for other business purposes. You may have your emancipated status noted on your driver's license or state issued ID card.

However, emancipation will not change the age at which you may drink (21), marry (17 with parental consent, 18 without), or vote (18).

Emancipation is not for everyone and most judges are very reluctant to permit a minor to emancipate unless there is a very strong showing the youth is capable of maintaining independence completely on their own and/or has already demonstrated that capacity.

It carries extra responsibilities as well as rights. Emancipation is mainly helpful to minors who are living on their own. For more information about emancipation, call a lawyer or the juvenile court in the county where you live. Be sure to talk it over with your parent or guardian as well. Your parent's or guardian's consent and support will be very helpful in convincing a judge that you are ready for emancipation.

MARRIAGE/PATERNITY/PARENTING

Marriage

To get married in Oregon, you must be at least 17. To get married without your parent's or guardian's consent, you must be at least 18. However, if either you or the person you wish to marry is under 18 and that person has no parent or guardian living in Oregon, and that person has been a resident of the county in which you are applying for a marriage license for the past six months, you may still be able to get a license. Consent forms are available at the marriage license office in your county.

If you are under 17, you may be able to get married in another state, and that marriage will be valid in Oregon. When you are married, you

will be treated as an adult, except that the normal drinking ages will still apply.

Paternity

Paternity means legal fatherhood. If the parents are married to each other when the child is born, the husband is presumed to be the father.

If the parents are not married and want to legally record who the father is, paternity can be established voluntarily. This is most often done at the hospital at the time of the child's birth by both parents filling out forms acknowledging who the father of the child is. You can also establish paternity voluntarily by contacting the Vital Records Unit of the Health Division of the State Department of Human Resources and requesting a Paternity Affidavit. See the "Resources Section."

Sometimes the father does not want to claim the child or the mother does not want to acknowledge the father. In either case, the father or mother may go to court and ask that they and the child be required to have blood and DNA tests taken. DNA tests can show with almost total certainty if the man tested is the father. Sometimes, additional evidence will have to be presented in court to establish paternity. Additional evidence often includes information about the relationships between the mother and the alleged father or between the mother and other men during the time when the child could have been conceived.

Once paternity is established, an unmarried father has the same rights and responsibilities as a married father. He may seek custody of the child or parenting time and may also be required to contribute to the financial support of the child even if he is not married to the mother.

Parenting

Once you become a parent, you will be treated as an adult specifically for purposes of caring for your child. This is true for both the mother and the father, regardless of whether you are married to each other. Being a parent is a lifelong emotional and financial commitment to a child. Legally, the mother and father are primarily responsible for the child's physical and emotional development. The parents are also

legally required to contribute financially to the child's welfare until the child turns 18 years of age. If mother and father do not live together, the court can order the parent who does not live with the child to pay child support to the parent who has the child living with them. Information about child support can be obtained at any local DCS/DA office. See the "Resources Section."

Mother's Rights

If the mother is afraid for her or the child's safety, then she is not legally obligated to name the father. The Child Support Program, however, has ways to establish paternity and keep the child and mother safe.

RUNAWAY HOMELESS YOUTH

OBTAINING FOOD STAMPS

Although no law expressly states that homeless or runaway youth are entitled to food stamps, many homeless youth may be eligible for the program. The law says that a parent or another adult in the household has to file for food stamps for kids under 18, unless they no longer provide for the kid's care, control, supervision and financial support. If no adult provides financial assistance, supervision and care for you, you may apply for food stamps yourself. If you are staying with an adult friend and cannot pay a "reasonable amount" for the meals made for you there, that person can get food stamps to help support you. Other restrictions may apply. You should go into or call your local DHS (Department of Human Services) branch to see what they can do for you. [OAR 461-110-0370].

WHAT TO DO IF THE POLICE PICK YOU UP

If you are under 18 and homeless or have runaway, the police can pick you up for three reasons: (1) Your surroundings may jeopardize your welfare; (2) The court has ordered the police to do so; or (3) It looks like you have run away from home. When the police pick you up, it is called "protective custody." Although they do not call "protective custody" an "arrest," the police have the same privileges and immunities as when they arrest people.

While you are in protective custody, the police have an obligation to try and see whether you would be better served in a youth shelter than at home. If your home is dangerous, you may want to tell them the reasons you do not wish to return home.

When the cops do pick you up, they can take you to one of three places: (1) back home, (2) a shelter facility, or (3) juvenile detention. Unless the court has ordered that you be taken into protective custody, the police will probably take you back home “without unnecessary delay” unless they have reason to believe you would run away again. If they think you will run away again, they may take you to a youth shelter. Youth shelters usually have a policy of notifying parents that their kid is there, and, unless you show good reasons not to see your parents, they will probably try to reunite you with them. In Multnomah County, they usually take kids to New Avenues for Youth.

The police may also take you to juvenile detention and hold you there for up to 5 hours while they notify your parents and assess the situation. If they hold you for more than 5 hours, it is because either the court has ordered you to be taken into protective custody or because they suspect you have committed a crime. If you are in detention for more than 5 hours, you will have a court hearing the next judicial day. [ORS 419B.150-168].

EDUCATION

Under Oregon and Federal law, homeless kids have the right to go to school. A school district cannot refuse to admit a minor because (s)he is homeless or is not under the supervision of a parent. If you have any problems enrolling in school due to your housing situation, you can contact the Homeless Liaison for your school district or show the school administrators the statute. [ORS 339.115(7)].

HOUSING

According to Oregon law, minors who live away from their parents and/or are homeless may rent a place to live on their own without parental consent. For the purposes of this law, a “minor” is defined as someone who is 16 or 17 years of age, unemancipated, unmarried and living apart from their parent(s) or legal guardian(s).

The law also provides for persons under the age of 16 to rent a place without parental consent if (s)he has a child who is living with them, or if a girl is pregnant and expecting her child to live with her.

A minor may also contract for all the necessities of a residential dwelling, such as gas, electric, garbage and water services.

Keep in mind that once you acquire these services, you are legally bound to pay for them. The bills cannot be voided or cancelled later because you were a minor when you contracted for them. If your parent did not consent to the lease, they will not be responsible for your rent or utilities.

LIFE AFTER MAJORITY

TURNING EIGHTEEN

What changes when you turn 18? When you turn 18, you will be considered an adult under Oregon law. For example, you can:

- Make a binding contract
- Get married without your parent’s consent
- Vote
- Be treated as an adult if you commit a crime
- Work in all types of jobs
- Sue or be sued
- Make a will

About the only thing that you cannot do at 18 that you can when you are 21 is buy, drink, or possess alcoholic beverages. For more information, you might want to read “On Your Own: A Guide to Your Legal Rights and Responsibilities as an Adult,” published by the Oregon State Bar. See the “Resources Section.”

REGISTERING TO VOTE

Any resident of Oregon who is a U.S. citizen and is 18 years of age or older may vote. You may register to vote before you turn 18 or become a citizen, but you must turn 18 or become a citizen during the 21 days immediately before the election in which you vote.

You may register at any time, but you must be registered before 5:00 p.m. on the 21st day before the election at which you intend to vote. You may register in person at your county elections office, by a mail-in voter registration card, or at some state offices like the Department of Motor Vehicles (the office where you can get or renew your state identification card or drivers license). You can also register to vote online at www.oregonvotes.org.

To register, you must give your name, signature, address, date of birth, and place of birth. If you want to vote in Federal elections (like the presidency), you need to have a valid Oregon identification card or drivers license. You need to keep your information current on your voter registration. You can update a change of name, address or political party by using the mail-in card or going to the county elections office or other state office that handles voter registration.

If you have any questions, you can call your county elections office or the Secretary of State in Salem. Those offices are listed in the "Resources Section" of this handbook.

REGISTERING WITH SELECTIVE SERVICE

If you are a man ages 18 to 25 living in the U.S. you must register for the Selective Service, whether or not you are a U.S. Citizen. Men must register within 30 days of their 18th birthday but the Selective Service will accept late registrations until you are age 26. The Selective Service provides a system which would be used to draft men into the military in the event a crisis occurs that requires more troops than the volunteer military can supply. Currently, the Selective Service is not drafting and the military is an all-volunteer force.

A man may be fined up to \$250,000 or be given a prison term of up to five years if he is convicted for failing to register. In addition, to be eligible for certain federal benefits a man must be registered. For example, a man must be registered before he is eligible for most jobs with the Federal government (including the U.S. Postal Service and National Park Service) and for Federal Job Training through the Job Training Partnership Act (which helps train men for jobs in auto mechanics and other skills). Men must also be registered to receive federal

student loans and other federal financial aid for college programs.

Women are not required to register with Selective Service. In the prior drafts, men were drafted primarily to supply adequate numbers of Army ground combat troops. Under current military policy, women are excluded from front line combat positions. Therefore, the government feels that the policy of excluding women from combat positions in the military also justifies their exclusion from the draft.

You may register at the post office, by mail, at your high school or on your Federal Student Financial Aid application form. If you have a social security number, you may register online at www.sss.gov. To register, you must furnish your full name and signature, address, date of birth, and social security number (if you have one). The Selective Service does not collect any information that would indicate whether or not you are undocumented. See www.sss.gov. Until January 1 of the year the man turns 26, he must notify the Selective Service within ten days after he moves. He can change his address online, by using SSS Form 2 from the post office, or by calling 1-847-688-6888. You should keep the registration card sent to him as proof he has registered.

See the "Resources Section" of this Handbook for information on how to contact the Selective Service System.

HEALTH ISSUES

INTRODUCTION

The law recognizes that you may be sexually active and it provides a way for you to get the medical services you need to protect yourself and others. The following information addresses basic concerns you may have about the legal issues surrounding sexual activity and your health.

SEXUALLY RELATED HEALTH ISSUES

Contraception

In Oregon, you can get birth control information and services no matter how old you are. Providers or sellers of birth control information or services cannot refuse to help you because of your age. A doctor is not required to tell your parent or guardian about your visit; however, a doctor can voluntarily discuss your visit with your parent or guardian even if you do not want them to. Many doctors and family planning clinics will not notify your parent or guardian without your consent. If you are concerned about your parent or guardian finding out about your visit, you can call the doctor's office or clinic ahead of time and find out its disclosure policy. You do not have to give your name until you are sure the doctor or clinic will keep your name confidential.

The Oregon State Department of Human Resources and County Health Departments are required to offer family planning and birth control services within the limits of available funds. The county health clinic may have a "sliding fee" schedule where you will be charged based on your ability to pay. You may call 971-673-0355 or go to Oregon.gov/DHS/ph/fp for office locations.

Sterilization

If you are under 15, you may not be sterilized. If you are 15 or older, you can consent to sterilization if you have a full understanding of the nature and consequences of the procedure, are competent to make an informed decision to be sterilized, and make the decision voluntarily and free from express or implied coercion. Six separate disclosures must be made orally by the doctor to you concerning the effect of, and alternatives to, sterilization. In addition, the physician must offer to answer any questions you may have regarding the procedure.

Pregnancy

If you think you are pregnant or know that you are pregnant, you should contact your local county health clinic immediately. County health clinics provide pregnancy testing or will tell you where you can get a pregnancy test. If you qualify, the county health clinic will help you get financial assistance for prenatal care. Prenatal care is very important to the well being of you and your unborn child.

Abortion

In Oregon, if you are 15 or older, you may have an abortion without your parent's or guardian's consent. The clinic is not required to tell your parent or guardian about your abortion; however, the clinic is allowed to tell, even if you do not agree to the disclosure. Many doctors and clinics will not notify your parent or guardian without your consent. If you are concerned about your parent or guardian finding out about your abortion, you can call the doctor's office or clinic ahead of time and find out its disclosure policy.

You may qualify for a state funded abortion. To find out if you qualify, contact your local county health clinic for information. The cost of an abortion will vary by service and provider. Federal law prohibits the federal government from funding an abortion, except in cases of rape or incest.

If you are a female victim of sexual assault, the hospital providing your care must promptly provide you unbiased, accurate written and oral information about emergency contraception (a drug or device that prevents contraception after intercourse). The hospital must give you information about your option to get emergency contraception at the hospital. If you request it and the hospital staff believe it is indicated, then the hospital can provide you with the emergency contraception.

Sexually Transmitted Diseases

You can get treatment for a sexually transmitted disease no matter how old you are, if you consent to the treatment. You do not need permission from your parent or guardian to be treated for a sexually transmitted disease. If your parent or guardian has not consented to your treatment, they do not have to pay for the treatment.

AIDS/HIV

No matter how old you are, you can consent to a test for the HIV virus. You cannot be tested for HIV without your consent unless you have been convicted of sex abuse. The results of your test are confidential and, except under certain limited

circumstances, cannot be disclosed to others without your permission.

CONSENT TO TREATMENT

Consent Generally

Doctors in Oregon are required to obtain informed consent before initiating treatment. In order to obtain informed consent the doctor may explain in general terms the treatment or procedure to be undertaken, that there may be alternative treatments or procedures that might also be effective, and that there may be risks in the proposed treatment. If you want a more detailed explanation, the doctor must explain in substantial detail the procedure, the alternatives, and the risks, unless to do so would be detrimental to your health. A risk is considered material if a reasonable person would attach significance to it in deciding whether or not to have the proposed treatment.

Consent by You

You can consent to any medical treatment if you are either 18 or older; under 18, but you are married; or if you have been emancipated by the court.

If you are 15 or older, you can get any medical, dental, or surgical treatment without permission required to tell your parent or guardian about your visit, however, the doctor is allowed to tell, even if you do not agree to the disclosure.

Consent by Your Parent or Guardian

Your parent or guardian may give consent to medical treatment that will benefit you. Your parent or guardian can give written consent for the use of experimental drugs on you if the drugs are administered only for the purpose of diagnosing, treating, or lessening a disease or injury which you are suffering.

Consent by Divorced Parents

If your parents are divorced, generally the parent who has custody of you has authority to consent to your medical care. Your non-custodial parent has authority, unless otherwise ordered by the court, to consent to emergency health care if your custodial parent is not available.

Consent by the Juvenile Court

The juvenile court may order medical treatment in any case involving a person under 18 where that person's behavior, condition, or circumstances are such as to endanger his or her own welfare or the welfare of others. The court may also order treatment when that person's parent or guardian or any other person having custody has failed to provide the care, guidance, and protection necessary for the physical, mental, or emotional well being of that person. Any person, including but not limited to doctors, social workers, friends, or relatives, may file a petition alleging that the juvenile court should get involved.

Once the juvenile court acts, it may place you in the care, custody, and control of DHS and require that, within 14 days, DHS develop a helpful program for your care, placement, and supervision. The court itself may order necessary medical care.

REFUSING TREATMENT

If your parent or guardian wants you to have some type of treatment that you do not want, you or any adult who agrees with you (such as a doctor) can petition the court to stop or prevent the treatment. You will probably need to convince the court that either you do not need the treatment, the treatment is more dangerous to you than it is helpful, or the treatment violates your constitutional rights (such as your religious beliefs).

TREATMENT

Outpatient: Mental Disorder, Emotional Disorder, or Chemical Dependency

If you are 14 or older you can get outpatient diagnosis or treatment of a mental disorder, emotional disorder or chemical dependency without your parent's or guardian's knowledge or consent. For your consent to be valid, your diagnosis or treatment must be provided by a licensed medical or mental health professional. Methadone maintenance is not included. However, the person treating you may tell your parent or guardian about the diagnosis or treatment without consulting you if that person

feels it is necessary for your treatment or it is in your best interest.

Your parent or guardian may be able to access to your medical or mental health records without your consent. If, because of your age or for other reasons, you require your parents' consent to receive treatment, then your parents also can access your records.

The person treating you must have your parent or guardian involved before the end of your treatment, unless your parent or guardian refuses or it would be harmful to you. Your parent or guardian does not need to be involved if one of them has sexually abused you or if you are emancipated. You are considered emancipated under this law if you are married, have gone through the legal process of emancipation or if you have lived on your own for at least 90 days prior to seeking treatment. See the "Life Before Majority Section" for further information on emancipation. If you are diagnosed or treated without the consent of your parent or guardian, they do not have to pay for the treatment.

In Patient: Mental Illness

If you are under 18 and you are suffering from a nervous disorder or mental illness, you cannot be voluntarily admitted to a state mental hospital, unless your parent, an adult relative, or your guardian submits a written application on your behalf or the juvenile court orders it. Once admitted, you cannot be kept at the hospital more than three days after your parent, an adult relative, or your guardian gives written notice that he or she wants you to be discharged from the hospital. The hospital will allow you to leave for a temporary period if it is in your best interest. Upon your admission to, or discharge from, the hospital, the person in charge at the hospital must immediately notify your parent or guardian.

In Patient: Chemical Dependency

If you are under 18, you may be admitted to any treatment facility by the director of that facility for treatment of drug or alcohol addiction. After

admission, the treatment facility must notify your parent or guardian.

Emergency Treatment

If you require emergency medical treatment, you should go to the emergency room of the nearest hospital. The hospital must assess your condition, advise you, and provide immediate treatment if necessary.

Blood Donations

If you are 16 years of age or older, you may donate blood without the approval of your parent or guardian. However, this only applies to voluntary and non-compensated donations of blood.

PAYING FOR TREATMENT

Payment by Parent or Guardian

Your parent or guardian is financially responsible for your care if you are under 18, unless you have been emancipated or they did not consent to your treatment. If your parent or guardian has medical insurance and you are covered under that insurance policy then the insurance company may pay some or all of your medical bills. Your parent or guardian will be responsible for paying those costs not covered by insurance, if any. If your parent or guardian does not have medical insurance, they will be responsible for full payment of your medical bills.

However, even though your parent or guardian is financially responsible for your care, they may not be able to pay for treatment for some reason or another. If your parent or guardian cannot pay for treatment, and you cannot pay for the treatment, you have various options. You can speak to the doctor or hospital to find out more about the payment options.

Social Security

Generally, if you are not disabled, you cannot get social security benefits, unless you have paid into the federal social security system. However, one of your parents may have paid into the social security system and you may be entitled to their benefits if they have died. To determine if you are entitled to any social

security benefits you should call the Social Security office listed in the “Resources Section.”

Public Assistance

You can get benefits from DHS if you are under DHS’s care. If you are in foster or residential care, then you are eligible for the Oregon Health Plan (OHP). Your parent can get benefits to pay for your medical care through the Children, Adult and Family (CAF), or Division of Medical Assistance Programs (DMAP) services if your parent falls within certain guidelines.

If you are on your own, you may also be able to get money from AFS to pay for your medical care, however, you will need to talk with someone at the nearest CAF or DMAP office. You can also get benefits from CAF or DMAP to pay for prenatal care if you are having a child. See the “Resources Section.”

Free Treatment by the Court

If you are under 16 and have a condition or injury that can probably be treated, and your parent or guardian is unable to pay for the treatment, the court can order a doctor to examine you with respect to your problem. The doctor’s report of your examination is filed with the court. The judge then decides if you are suffering from a condition or injury that can be treated and whether anyone responsible for you can pay for the treatment.

ADVANCE DIRECTIVES

Advance directives for health care basically allow you to pre-determine what steps you want taken to prolong your life if you are seriously ill, by stating your wishes in a written legal document. Common examples include whether or not you want life support or tube feeding. Emancipated minors and married individuals may execute an advance directive; otherwise, if you are under 18 years of age, you cannot sign an advance directive.

YOUR RIGHT TO YOUR OWN MEDICAL RECORDS

Under Oregon law it is the state’s policy that an individual’s medical records are protected from disclosure. Unless the individual consents to the

disclosure, the medical doctor cannot disclose the records. The law also gives the individual the right to access his or her own medical records. This particular law does not define “individual.” According to the Oregon State Department of Health the term “individual” includes a minor.

If you wish to obtain copies of your medical records from your doctor you should be able to do so. The doctor does not need your parent’s or guardian’s consent to release the medical records since the records are in your name. The doctor may request that you sign a release form.

IMMIGRATION AND NATURALIZATION

People who are not citizens of the United States (“aliens”) are subject to U.S. immigration laws. The main difference between citizens and aliens is that the government may “remove” or “deport” aliens (in other words send them to the country of their citizenship) under certain circumstances but may not remove U.S. citizens.

Immigration law can be very complicated. The following is only a brief summary of the classification of immigrants living in the U.S. If you have specific questions you should consult an immigration attorney or an immigration legal services organization for assistance.

CITIZENS

If you were born in the United States, or your parents are U.S. citizens then you are probably a U.S. citizen. You may have obtained your citizenship at birth by being born in the United States or because your parents are U.S. citizens, or you may have obtained citizenship when your parents “naturalized,” meaning they became citizens.

NON-CITIZENS

If you are not a citizen then you have an immigration status. You may be a Legal Permanent Resident (LPR), have a non-immigrant visa, have a special immigration status such as an asylum seeker, or be “undocumented,” or “without papers.” Different rules determine whether the United States

immigration authorities, formerly known as the Immigration and Naturalization Service (“INS”), may remove you depending on your immigration status.

Whatever your immigration status, it is especially important that you not get in trouble with the authorities if you are not a U.S. citizen! This is because many crimes, including shoplifting and drug crimes, will make you “deportable” or “removable.” This means that even if all your family and friends are in the United States, you may be sent to your country of origin. If you do get into any kind of trouble with the authorities, be sure that the attorney who helps you knows your immigration status and that you understand the immigration consequences of the crimes you are charged with.

LEGAL PERMANENT RESIDENTS (LPRS)

If you are an LPR, or have what is known as a “green card,” you have almost all the rights of a citizen, including the rights to work and to travel in and out of the country. One difference between LPRs and citizens is that only citizens can vote. Also LPRs can be removed if they commit certain crimes. But, next to being a citizen, being an LPR gives an immigrant the most U.S. freedoms.

One benefit of being an LPR is that you may petition for members of your immediate family to become LPRs. Also, once you have been an LPR for five years (or three if you married a U.S. citizen), you are eligible for naturalization.

Usually, you cannot become an LPR unless a close relative or an employer petitions the immigration authorities to allow you to do so. But if you have a parent or step-parent who is a U.S. citizen or LPR and he or she is abusive towards you, or subjects you to extreme cruelty, you may petition to obtain immigration status, on your own.

You can also petition to obtain immigration status for yourself if you have come under the control of a state juvenile court as a result of being abused, neglected or abandoned and you meet some other requirements. This is called Special Immigrant Juvenile Status. A person who holds this status cannot be deported for having entered the country without inspection or

having failed to maintain valid status in the country. Also a person applying for Special Immigrant Juvenile Status can complete the application process without leaving the country.

There are also a number of ways to obtain a visa if you or a member of your family has been a victim of domestic violence. The Violence Against Women Act of 1994 allows a battered spouse or the child of a battered spouse to petition for relief. If the petition is granted, the petitioner can remain in the United States until they can obtain Lawful Permanent Resident Status. Similar procedures exist for granting visas to victims of a number of other listed crimes, like human trafficking.

NON-IMMIGRANT VISAS

Your parents may be in the United States on a “non-immigrant visa” that allows them to work and live in the United States and allows you to live in this country with them. You may also have a non-immigrant visa independent of your parent’s status such as a tourist visa, a student visa, or an exchange visitor’s visa. If you are in the United States under a non-immigrant status you will probably violate the terms of your immigration status if you work.

OTHER EXAMPLES OF IMMIGRANT STATUS

You may have temporary permission to be in the United States, which may or may not allow you to adjust your status to become a LPR after a certain period or time. Visas may allow you to stay in the United States if you are from a certain country, or if you are a victim of certain crimes. If you are afraid to return to your native country because you are afraid that you will be persecuted, you may obtain the status of an asylum seeker. If you are a refugee from another country, you may be allowed to stay as long as it is unsafe for you to return to your country. “Parole” is another form of permission to stay in this country.

UNDOCUMENTED IMMIGRANTS

Undocumented immigrants include those whose visas have run out, and those who crossed the border without being detected by the immigration authorities. If you are an undocumented immigrant, the immigration authorities may remove you after a hearing if it

discovers that you are in the country, even if you haven't done anything wrong. You have a right to go to public school and to receive medical care in some circumstances. But you will not have many of the opportunities available to citizens. For example, you are not eligible for financial aid for college or for in-state tuition rates at public universities.

IMMIGRATION PROBLEMS

If you are in the U.S. and the immigration authorities determine that you should be removed, you will be brought before an immigration judge. You may be given the opportunity to voluntarily depart within a certain time period. If you do not want to do so, you are entitled to a hearing during which you may have a lawyer or an accredited representative to help you although the government will not help you pay for their services.

If you are outside the U.S. and wish to enter the country you must have a visa or some other documentation showing that you are allowed to be in the U.S., and you must not be inadmissible under U.S. immigration laws. If you are concerned about your immigration status you should not travel abroad before you consult with an immigration attorney or an immigration legal services organization.

IMMIGRATION LEGAL SERVICES

Organizations that can help you with your immigration case or refer you to a private attorney, include:

Catholic Charities, Immigration Legal Services
231 SE 12th Ave
Portland, Oregon 97214
(503) 542-2855

Immigration Counseling Services
321 SW 4th Ave
Portland, Oregon 97204
(503) 221-1689

Lutheran Community Services
605 SE 39th Ave
Portland, Oregon 97214
(503) 233-0042

JUVENILE LAWS AND RIGHTS

JUVENILE COURT

Each state has a separate juvenile court system. In Oregon, the juvenile court system was established for persons under the age of 18. The Oregon Legislature established the juvenile courts to provide for a more flexible and informal system, with the hope of avoiding the harshness of adult criminal courts.

The Oregon juvenile courts interpret and apply the law so that a child under the court's power will receive the care, guidance, and supervision that will lead both to the child's welfare and to the protection of the community. The juvenile court must also interpret the law with a preference for allowing a juvenile to remain in his or her own home, if it is in the best interest of both the juvenile and the public.

The state expects each juvenile to be responsible for his or her own behavior. The juvenile courts ideally emphasize treatment over punishment, as well as early intervention and responsiveness to juvenile behavior to prevent future criminal acts and to reform offenders. In reality, most juvenile court proceedings are as formal as adult proceedings, and the juvenile courts are just as concerned with protecting the public as adult courts. Sometimes, juveniles even receive harsher penalties for petty offenses than adults. Additionally, some acts that are not criminal for adults are punishable as juvenile offenses.

In the past, a young person in juvenile court did not have the same constitutional rights as an adult in criminal court. However, in 1967, the U.S. Supreme Court declared that young persons also have constitutional rights that protect them from unfair treatment by the police and the courts. These rights are for your protection, and no one can take them away without your consent.

Nevertheless, juveniles do not have the same rights as adults charged with crimes. For example, in juvenile court you do not have a right to a jury trial or to be released on bail, but you are guaranteed a hearing that is open to the public. If you are under 18 and you come within the "jurisdiction," or authority, of the juvenile

court, you have important rights that protect your freedom. But you will also face a formal system that can treat you more harshly than an adult court would treat a person over the age of 18. Therefore, you must be aware of your rights and you should be aware of the limits of the juvenile court's power over you. That power is called "jurisdiction."

JURISDICTION

"Jurisdiction" means that a court has the power to hold a proceeding to determine what will happen to a person. The juvenile court has "jurisdiction" over a person who is under 18 years of age and:

- Who cannot be controlled by their parent or guardian
- Whose behavior, condition, or circumstances endanger their welfare or the welfare of others
- Who is dependent for care and support on a child caring agency that needs the services of the court in planning for his or her best interest
- Whose parent or guardian has abandoned, neglected, abused or otherwise failed to care for him or her
- Who has run away from home
- Who has applied for emancipation

However, a civil action or lawsuit involving a person under the age of 18 may be brought in adult court. A few examples are cases involving personal injury, property damage, or custody issues in divorce proceedings.

Further, there are certain crimes that are "automatically remanded" to adult court and, if charged with such crimes, a person under 18 will be treated just like an adult by the courts. Such crimes generally involve driving offenses such as driving under the influence of intoxicants or reckless driving.

Only the state may file a delinquency petition asking that you be found guilty of a crime. See page 18 about the petition that can be filed by you or any other person if you are abused or neglected.

If a petition of any kind is filed about you in juvenile court you always have the right to have

a lawyer present. You may ask for a lawyer at any time. However, you will only be told of your right to a lawyer when you are involved in a case involving delinquency or crime and only when questioned by the authorities. Authorities are not required to notify you of your right to an attorney during arrest, only during questioning.

If the juvenile court takes jurisdiction over you because you have allegedly broken the law, all of your basic rights are in effect. These rights include the rights listed in the "Adjudication Trial Section." If you are charged with a serious offense your case may be transferred to adult criminal court. This process is called "waiver" and is discussed later. If you are charged with one of the very serious offenses listed in Ballot Measure 11 and you are age 15 or above, you will be prosecuted and tried as an adult and could serve time in an adult prison if convicted. Ballot Measure 11 is discussed in greater detail in the "Adult Court Section."

Juvenile courts generally do not use words like "arrest," "guilty," or "convicted of a crime" because the court's goal is treatment, not punishment. For instance, if you are found responsible for a law violation you will be considered "adjudicated" rather than convicted. Nevertheless, some judges will use these terms. Regardless of what a particular judge may call your situation, you may honestly say that you have not been arrested or found guilty of any crime if you have been through the juvenile court.

However, you can be convicted if your case has been waived to the adult court or if you were charged under Ballot Measure 11. This distinction between juvenile court and adult court may become important if a job application or employer asks you about your past because only adult convictions count. However, your juvenile history may be used against you later if you are sentenced in adult court.

If the juvenile court has jurisdiction over you because you are dependent for care and support on a child care agency or because your parent or guardian has abused, abandoned, or neglected you, then the court's power is not based on what you have done but is instead based on how someone else is taking care of you.

When the juvenile court has jurisdiction over you because you cannot be controlled by your parent or guardian or you have run away, the court's jurisdiction is based on something you have done that would not be against the law if you were an adult. In that situation, you become what is called a "status offender."

When the juvenile court has jurisdiction over you because of a "status offense," you may not have the same rights as you would if you had broken a law that applies to both juveniles and adults. For instance, when the court's jurisdiction over you is based on a "status offense," you must ask for a lawyer to represent you if you want one. If you cannot afford a lawyer, the court must appoint one for you.

Emancipation of a minor allows a person under 18 to be treated as an adult. See the "Life Before Majority Section" for further information on emancipation. If you are applying for emancipation, you are asking the juvenile court to allow you to be treated as an adult before you turn 18.

The juvenile court process has many steps, and each step leads to several possible outcomes. In addition, each county and each state has a unique juvenile court process, so it is not possible to predict exactly what may happen to you in juvenile court. To be cautious, you should contact a lawyer or ask the court to appoint one for you as soon as you have any contact with the juvenile court.

WHEN THE POLICE STOP YOU

If a police officer stops you, your first contact with the officer will be extremely important for your safety and to the outcome of your case. You must try to remember your rights and to stay calm. According to Oregon law, when a police officer takes a juvenile into custody, the custody is not called an arrest. It is called being taken into protective custody. However, protective custody is considered an arrest in determining your rights, and most police officers will call such custody an arrest, so we will use that term.

A police officer may stop and question you if the officer reasonably suspects that you have committed, or are about to commit, a crime. The officer may ask if you have any weapons and

ask for consent to search your person or property. You are not required to consent and you may tell the officer you do not want him or her to search you. Also, you are not required to answer the question about weapons and may tell the officer that you wish to remain silent. But remember, whenever you assert your rights to a police officer, stay calm and be polite and respectful, especially if the police officer is angry or aggressive. This will help protect your rights and your safety. An arrest happens whenever a police officer stops you and will not allow you to leave after a few questions. Usually, a police officer will tell you if he or she is arresting you or taking you into custody, but police officers will often ask you questions before they tell you that you are under arrest.

If a police officer stops you and asks you some questions, you should ask if you are under arrest before you answer. If you are not under arrest, you do not have to answer any questions and you are free to go. If you are arrested, the law does not require you to give your name, age, and address, but it will often be the smart thing to do. Remember, you have the right to remain silent. You should not answer any other questions without a lawyer who represents you being present, and you should tell the police officer you would like to talk to a lawyer. You should ask for the court to appoint a lawyer for you at your first hearing.

Do not lie to police officers. A lie will probably reinforce a police officer's suspicions of your guilt, and a lie will not help you if the case ever goes to court. If a police officer stops you and asks you some questions, you might want to try to understand the officer's position. The officer probably stopped you because the officer had some reason to believe that you did something wrong. A hostile answer, a sarcastic tone of voice, or a bad attitude may cause the officer, rightly or wrongly, to believe that you have something to hide and that you need the attention of the juvenile court.

Running away, threatening or fighting with an officer may cause the officer to charge you with the crime of Escape, Attempting to Elude or Assault of a Public Safety Officer. A police officer can also stop you if there is probable cause to believe that you have committed a traffic infraction or a lesser crime, known as a violation. Traffic infractions can occur when you

ride a bicycle. Polite answers and a respectful attitude will probably give you a better chance for an informal disposition or resolution of your case outside of court. See the Charts at the back of the “Criminal Laws and Punishments Section” for the maximum penalty you may receive for these crimes.

A police officer may use force to control you if it is necessary, but the officer may not use more force than is needed to control you. If an officer stops you and uses more force than is necessary to control you, the officer may be liable for harassment. However, you should be careful not to resist, even if you feel the level of force used by the officer is inappropriate. Your resistance may justify an officer’s use of extreme force against you.

If a police officer arrests you, and wants to question you while in custody, the officer must give you a Miranda warning. Miranda warnings are named after the U.S. Supreme Court case that established the requirement. The warnings are only required if the officer plans to ask you questions and you are in the officer’s custody. If you volunteer information, the officer does not have to stop you from talking to warn you of your rights. The officer may listen to your statements and may record them.

A Miranda warning consists of the following information:

- You have the right to remain silent
- Anything you say can and will be used as evidence against you
- If you cannot afford to pay for a lawyer, one will be appointed to represent you before questioning
- You can make use of these rights at any time

Try to remember that you do not have to answer any questions. Even if you do not think you have done anything wrong, you may still want to talk to a lawyer before you answer any questions. To stop an officer from asking questions, all you need to say is, “I want to talk to a lawyer.” You may want to repeat that statement if the officer continues to question you.

Sometimes, if an officer has stopped you, a simple statement of the truth may be enough to

get the officer to let you go. If you are sure you have not done anything wrong you may always remain silent, but that may cause you some delay and inconvenience. You have to use your head. If you cannot decide whether or not you should answer any questions, you should probably wait to talk to a lawyer.

If you agree to answer questions, you may change your mind at any time. You always have the right to remain silent, and no one can penalize you for exercising that right. The fact of your silence cannot be used as evidence against you at trial. Even if you believe you are guilty and you want to confess, it would probably be better to talk to a lawyer first. If a police officer arrests you, the moment of arrest will often be crucial to the outcome of the incident. Try to stay calm and alert and try to remember everything that happens.

Later, if you get the chance, try to write down all the details of the arrest and give those details to your lawyer. Those details can often help your case.

If you are being questioned by the police you should not agree to take a polygraph (lie detector) test unless you have spoken to a lawyer and the lawyer has specifically agreed that you should take the test. It is common for police officers to suggest that you may help clear yourself of criminal charges by “passing” the test. This is not a good reason to take the test. Unless your lawyer agrees to the test, you are more likely to hurt than to help yourself.

The police might also tell you that it is ok to take the test because the results are not admissible in court. It is true the results cannot be offered directly as evidence in court. However, the statements that you make while taking the polygraph test might be admissible in court. Prosecutors may also find other ways to refer to the polygraph during court testimony. This could raise an unfair suspicion about your guilt.

Taking the test can lead to many negative results for you. The best thing to do if the police suggest a polygraph, therefore, is to not take the test without first talking to a lawyer specifically about this question.

SEARCHES

As a general rule, the Fourth Amendment to the U.S. Constitution and a similar provision in the Oregon Constitution require the police to have a warrant to search your body, your residence and your personal belongings. However, the courts have created many exceptions to this general rule, and in many situations these exceptions will allow the police to search you, your car, or your home without a warrant.

If the police officer searches you illegally, the police will not be able to use the evidence they got from the search against you in court. It is difficult to know if a search is illegal until a judge hears the facts and makes a decision. A lawyer can help you sort through the facts and the law to see if the officer's actions were legal.

EXCEPTIONS TO THE WARRANT REQUIREMENT

Stop and Frisk

A police officer may stop you for questioning if the officer has a "reasonable suspicion" (some basis to believe) that you have committed a crime, that you attempted to commit a crime, or that you are about to commit a crime. The officer can frisk you by patting down your outer clothing, but only if the officer thinks you are carrying a weapon. A police officer may frisk you even though the officer does not have a formal reason to arrest you, but the officer's frisk or pat down must be limited to a search for weapons and must be based on a belief that you are, or could be, carrying a weapon.

Consent to Search

If a police officer asks to search you or if the officer tells you that he or she is going to search you, do not resist physically. Instead you should ask if the officer has a search warrant. If the officer has a warrant to search you, the officer does not need your consent to conduct the search. If the officer does not have a search warrant, you must decide if you want to consent to the search. By consenting to a police officer's search, you will lose the right to object to the search in court. If you do not consent to the search, you should tell the officer that you will not resist but you do not consent. You should say, "I object to this search."

If you are searched by a police officer, try to remember everything that happens so you can tell a lawyer. If possible, you should have someone witness the search.

Search Incident to Arrest

If you are taken into custody, the law allows a police officer to conduct a search to protect the officer, to prevent your escape, and to prevent destruction of the evidence. The search must be related to the crime for which you are arrested and must be reasonable in light of the facts, including the time, place, and intensity of the search.

This means a police officer may be able to search your pockets, your purse or bag, your car (if that is where you were arrested), and the area around you which was within your reach at the time you were arrested. Under most circumstances, it does not mean the officer can search your room or your house.

Probable Cause and Exigent Circumstances

If an officer believes that more likely than not evidence of a crime will be found in the place the officer wants to look and if there are exigent circumstances (or emergency circumstances)—a chance that evidence could be lost before a warrant can be obtained—the officer may conduct a search.

If an officer has facts indicating that there is evidence of a crime located in your car and you are driving, the officer can stop your car and search it without a warrant. If you do not have proof of insurance or a license, an officer may detain you and take you to jail to obtain your identity and may order a tow for your car. An officer may conduct an inventory search of your car before it is towed.

Emergency Aid Doctrine

If an officer responds to an urgent or emergency call where circumstances seem to demand a quick response and the officer finds evidence of a crime while responding, the officer may seize the evidence and, depending upon all of the facts, may be able to investigate further and make arrests.

Most local jurisdictions also have ordinances that require police to inventory any personal property in a person's possession when the person is taken into custody for transport in a patrol car or taken to a secure police holding room. This may include an inventory of your wallet, purse, fanny pack or other closed containers. If you do not want any of these items searched and there is another person present that you can leave the item with safely, then the police should permit this. If they refuse, they need probable cause to seize your property and search its contents.

Waiver of Rights

If a police officer stops you, the officer may suggest that you will be given a break if you give up the following rights: 1) your right to remain silent by talking to the officer, 2) your right to object to a search by giving the officer permission to search you or your property, 3) or your right to have a lawyer present while the officer questions you.

Giving up these rights is called a waiver of rights. While the offer to waive your rights may appeal to you, try to remember that a police officer has no control over what happens if you are reported to the juvenile court. The offer to make things easier on you is not binding on the district attorney who will control your case when it goes to court. Your rights are constitutional guarantees of fair treatment, and no one can force you to give those rights up against your will. If an officer tries to bargain with you so that you waive your rights, you do not have to agree to such a bargain and you should not feel bad about using your rights.

COMPLAINT OR REFERRAL: THE FIRST STEP TO PROSECUTION

To begin the juvenile court process, someone must report an incident or a condition to juvenile court officials. Your parent or guardian, your relatives, your neighbors, and even your teachers can take this first step into juvenile court by making a report of the incident or condition which is called a complaint. However, most cases begin with a referral from the police after the police have arrested you.

INFORMAL DISPOSITION

The police treat many juvenile cases informally, especially if the offense is not a serious one. If an officer stops you, the officer may decide to let you off the hook after giving you a warning or a lecture or after making a phone call to your parent or guardian. Nevertheless, every police officer who stops you has the power to decide if a case should be reported to juvenile court.

Diversion Program

An officer who stops you may also decide to take you to a diversion program. A diversion program is an alternative to full court involvement. If the officer refers you to a diversion program, you will be expected to participate. A diversion program can offer you useful resources, and you will be encouraged to take advantage of this opportunity. No one can force you to participate, but if you do not participate, the juvenile court will receive a report which states that you have not participated, and the state may decide to prosecute you.

Most diversion programs are run by a local youth service center. A youth service center can help provide counseling for you and your family. These centers can also provide advice about jobs or they can help you meet other persons in situations like yours. See the "Resources Section."

Youth service centers offer informal programs designed as an alternative to the adjudication of disputes in juvenile court. These programs include restitution (re-paying the injured party in some way) and mediation (informal bargaining to reach a solution to the problem). For instance, if you damaged another person's property, a restitution or mediation program may help settle the dispute by encouraging you to agree to pay for any damage in exchange for an agreement by the injured person to not make a complaint to the juvenile court.

Formal Accountability Agreements

The juvenile court may also refer your case to an informal disposition. If there is probable cause to believe that you are within the court's "jurisdiction," the juvenile department counselor, who is assigned to be your probation officer, or

your lawyer, may suggest that you enter into a Formal Accountability Agreement.

A Formal Accountability Agreement must be a voluntary agreement between you and the juvenile department. In this agreement, you agree to satisfy conditions set by the juvenile department, and in exchange, the juvenile department will not file a petition against you.

These Formal Accountability Agreements may require participation in counseling, community service or drug and alcohol education or treatment. In addition, the Formal Accountability Agreement may require restitution (or payment) to the injured party. An informal disposition must be completed within one year. You may revoke such an agreement at any time through a written revocation. The juvenile department may revoke the agreement if it has reasonable cause to believe you have not participated fully or have committed another offense. Revocation may allow the juvenile department to file a petition against you.

Although a Formal Accountability Agreement will become part of your juvenile department record, it does not require an admission of guilt and it may not be used as evidence against you. Before you enter into an informal disposition agreement, you have the right to be represented by a lawyer. Always remember that Formal Accountability Agreements are voluntary; you have the right to refuse to be involved. However, this may mean that your case will be sent to the juvenile court for prosecution on the delinquency charge and formal disposition. A Formal Accountability Agreement involves less time and trouble than a prosecution and formal disposition by the court, and most importantly it keeps your record clean and avoids formal restrictions. In the long run a Formal Accountability Agreement will usually be to your advantage.

If you complete your Formal Accountability Agreement and stay out of trouble, you can get your record of this involvement in the juvenile court expunged. This means the record is destroyed. You will qualify for expunction when you turn 18 or sooner if it is in your best interests. See page 40 for more information on expunction.

JUVENILE COURT INTAKE

If the juvenile court receives a complaint and the complaint has not been informally disposed of, then you must begin the court intake process. If you are accused of a felony, the district attorney will decide what charge will be filed against you.

If you are age 15 or above and are charged with certain very serious felonies under Ballot Measure 11, you will be tried as an adult and possibly face time in adult prison. If convicted of a Measure 11 crime, you will be sentenced to a mandatory sentence that may not be reduced for good time or for parole. For example, a 15-year-old convicted of robbery in the second degree will serve 70 months (five years and ten months) in the state prison. Ballot Measure 11 and procedures in state court are explained in the "Adult Court Section" following this discussion of juvenile court.

If you are charged in juvenile court, a juvenile court counselor will investigate your case to decide what should be done. The counselor may ask to meet with you and your parent or guardian to decide if the case can be settled informally. If you and your parent or guardian can persuade the counselor that your case can be handled informally, then your case may be dismissed at that point. The cooperation of your parent or guardian can make a difference at the interview with the counselor.

After the completion of the intake process, the juvenile department may decide to dismiss your case completely. The department may also agree to an informal disposition agreement if your case does not present serious problems or if you have never been in trouble before. However, the department may decide to file a petition which will formally initiate juvenile court proceedings.

It is important to note that although the counselor is charged with the duty of representing your interests to the juvenile court, any statements you make in the presence of the counselor can be used against you in a juvenile court hearing. A counselor can put anything you say in a report which becomes a part of your juvenile department file, and juvenile court judges usually have access to these files. Therefore, if you maintain that you are innocent despite the charges, you must take care about what you say to the juvenile court counselor.

You may even want to exercise your right to remain silent and your right to a lawyer when you first meet with the counselor.

PRE HEARING DETENTION

If the police take you into custody, they may detain you for up to five hours in the police station, if necessary, to obtain your name, age, and address. The police must decide whether to release you to your parent or guardian or whether to take you to a shelter or detention facility where you may be held until a decision about your case has been made.

If you are younger than 12, only a judge can decide whether you should be placed in detention or "secure custody." If you are 12 years old or older and you have been accused of a crime, then you may be held in detention for 36 hours without a court hearing. However, you can only be detained if your parent or guardian cannot be found or they will not take responsibility for you and there is no other place for you to go or you otherwise qualify for detention. If you are at least 18 years old, you may be held in a juvenile detention facility in certain circumstances, but may also be held in an adult jail. If you are age 16 or 17 and arrested for a Ballot Measure 11 crime, or your case is transferred after a remand hearing to adult court, you may be held in adult custody. If you are 15 or under, you may not, under any circumstances, be held in adult jail.

Specific rules exist to determine whether you can be held in detention before trial. In juvenile court, you must be accused of a felony or a crime against a person and the court must have some reason to believe that you will not show up for your hearing or that you will commit another crime if released. If you are on probation, parole, or you are on release from another charge, and you have been charged with a new crime or have run away from a court ordered out of home placement, then the juvenile court may order that you be held in detention. Another reason you can be held in detention is for the reasonable protection of the victim.

Additionally, you may be held in detention if you are a runaway from another jurisdiction, or are accused of unlawfully possessing a firearm. The law prohibits you from being held in detention more than 36 hours, excluding Saturdays,

Sundays, and certain holidays, except upon order of the juvenile court after a hearing.

If you are arrested and placed in detention, there must be a finding within 36 hours by a judge from the time of your arrest that there is probable cause to believe you have committed a crime.

Juvenile Court Detention Hearing

If you are held in juvenile detention, your first court hearing is a preliminary hearing. At that time you may ask to have a lawyer appointed at no cost to you and you will be told exactly with what crime you are charged. At that time you, your lawyer, or your family may ask the court to release you. On weekends, this may happen without a court hearing.

If you are detained awaiting trial, you may have a review hearing at least once every ten days, excluding Saturdays, Sundays, and certain holidays. You may not be held in detention before trial if the reason you have been referred to juvenile court involves a status offense only, such as running away from home, truancy, disobeying your parent or guardian, or curfew violations. However, the juvenile court may order that a status offender be held in a shelter care facility, such as foster care or group homes. The court may order your detention if you are a runaway from another state.

The laws regulating these hearings are complicated and many factors may influence the court's decision about whether you will be detained or released. You should probably talk to a lawyer if the court has ordered you to be detained.

Conditions of Detention

The law regulating juvenile detention is very specific because detention is an overwhelming experience. Without careful regulation, the experience may cause you serious physical or psychological harm. You may be held in an adult jail if you are 16 years old or older and are charged with a Ballot Measure 11 offense or your case has been transferred to adult court. Under no other circumstances may a juvenile be held in a jail with adults.

Juvenile facilities must provide:

- A safe, secure and clean facility
- Proper supervision of juveniles
- Adequate visitation and telephone communications with lawyers
- Unrestricted mail, unless otherwise ordered by the court, or for purposes of inspection if there is reason to believe incoming mail and packages contain contraband
- Medical care and emergency dental treatment
- Reasonable opportunities to make and receive phone calls
- An educational program and counseling if you are held more than five days
- Exercise and crisis counseling
- The free exercise of religion unless it would create security problems or disorderly conduct within the facility
- An opportunity to express or file a complaint regarding your treatment or violation of any rights
- Written reports and notification to your lawyer and parent or guardian if physical force, restraint, isolation, or room lockdown occurs
- Written policies for all of the above.

Juvenile detention facilities are not allowed to:

- Use physical force except as reasonably necessary and justified to prevent escape, injury to yourself or others, injury to property, or when room lockdown or isolation is necessary
- Use restraints except in extreme situations to prevent physical injury or escape. Restraints may not be used for more than six hours. However, restraints may be used when you are being transported
- Use isolation for longer than six hours, and only in the most extreme situations
- Use room lockdown, unless a rule has been violated, a crime has been committed, or to prevent escape, physical injury, or property destruction, and not for more than 12 hours in a 24 hour period, excluding sleep time, without a hearing
- Examine your anus or vagina for contraband, without probable cause that contraband will be found, and if there is

probable cause the examination may only be done by a licensed physician or nurse

- Administer medication without your informed consent, except in extreme emergency situations
- Deny any privileges for more than one day without a hearing
- Detain juveniles who are emotionally disturbed, mentally retarded, or physically handicapped in situations where other juveniles would not have been detained
- Discriminate against you on the basis of race, national origin, religion, sex, physical handicap, or political belief

If you are being held in a facility which you believe violates one of these requirements, you should notify your lawyer, a counselor, or judge. You should request a written copy of the detention rules and procedures.

PETITION

The filing of a petition means that the juvenile court has initiated formal legal action, or in other words, a prosecution. The petition is a document containing the facts the district attorney will try to prove in order to establish your guilt. If a petition is filed, the juvenile court may order that you be taken into protective custody and placed in shelter care or detention if that has not already been ordered.

WAIVER: TRANSFER TO ADULT COURT

Under certain circumstances, the juvenile court may transfer your case to adult court. Such a transfer is called a waiver, and there are two types of waivers: 1) waiver to municipal court (also known as traffic court) and 2) waiver to adult criminal court.

Traffic offenses committed by juveniles are now generally treated as adult traffic offenses. As a result, if you are convicted of a traffic offense, you may be fined or jailed as an adult would be. In addition, traffic offenses can no longer be expunged from your record. In many counties, the waiver of juvenile traffic offenses to adult court is routine, so that all traffic cases are tried in traffic court. Nevertheless, the juvenile court retains the power to recall your case, and you or your parent or guardian may request that the

juvenile court keep jurisdiction over your traffic offense.

If you have been accused of a non traffic criminal offense, you may be waived to adult criminal court if:

- You are 15 years or older, and you are charged with committing a serious criminal offense, including murder any Class A or B felony, and many less serious C felonies
-
- At the time of the alleged offense, you had sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved
- The court determines that keeping you in juvenile court would serve neither your best interest nor society's best interests
- The court does not believe that you are willing and able to benefit from the facilities and programs offered by the juvenile court

If you are under age 15, you may be waived to adult court if the judge makes the same findings above and you are charged with Aggravated Murder, Murder, Attempt to Commit Murder in the First Degree, Manslaughter in the First or Second Degree, Assault in the First or Second Degree, Kidnapping in the First or Second Degree, Sexual Abuse, Robbery, Arson, Rape in the First Degree, Sodomy in the First Degree, Use of Children in Sexually Explicit Conduct, Compelling Prostitution, Unlawful Sexual Penetration in the First Degree or Aggravated Vehicular Homicide.

The juvenile court must hold a hearing before you are waived to adult criminal court. In the waiver hearing, the court will consider your previous record, the nature of the offense with which you are charged, your attitude, and the facilities available in the juvenile system. If you are 15 years or older and have committed a serious criminal offense, you cannot rely on the protection of the juvenile court. There is no waiver hearing if you are charged with a Measure 11 crime. Your case will be automatically transferred to adult court.

JUVENILE COURT PRE-TRIAL CONFERENCE

A few counties require that a pre-trial conference be scheduled before a contested hearing in juvenile court is set. In a pre-trial conference, you must meet with your parent or guardian, the court counselor, your lawyer, and the district attorney to discuss your case. If you do not have a lawyer, you may request that the court appoint one to represent you at the pre-trial conference or later in the proceedings.

If you do not attend the pre-trial conference, the court may issue a warrant for your arrest. At the pre-trial conference, you have the right to remain silent. If the parties cannot reach an agreement for a dismissal, plea bargain, or an informal disposition of your case, then the court will schedule your case for formal adjudication.

ADJUDICATION TRIAL

Unless you have been waived to adult court or a decision about your case has been made at the pre-trial conference, you will have an adjudication of your case usually within 28 days after the filing of a petition. The 28-day period may be extended for good cause to prepare further for the adjudication. An adjudication of your case is a hearing similar to a trial. The purpose of the adjudication is to determine whether or not the facts stated in the petition are true. Your juvenile court hearing is open to the public, but you do not have a right to a jury trial. A judge will preside over your hearing, and the judge will be responsible for making a decision in your case.

In juvenile court, you have a right to:

- Have a lawyer of your choice or to have one appointed if you cannot afford one
- Remain silent or testify on your own behalf. If you testify, you will take an oath, and anything you say can be used against you
- A specific description of the charges against you
- Attend the court hearing
- Call your own witnesses who will testify under oath
- Cross-examine (question) the witnesses who testify under oath against you and subpoena (require the appearance in court of) witnesses of your own

- Have the state prove every element of the charge against you “beyond a reasonable doubt”
- Have a written decision, supported by evidence at the hearing
- Be notified of your right to appeal.

Again, if you cannot afford a lawyer, one will be appointed for you.

Your lawyer is sworn to represent you—not your parent or guardian, the court, or anyone else. Your lawyer should advise you on the law and explain your legal situation so that you understand it clearly. Your lawyer should also make a recommendation as to what you should do and to find out from you what you actually want to do. Finally, your lawyer should communicate your desires to the court. If your lawyer does not do these things, you can tell the court and ask the court to appoint another lawyer for you. The court will decide whether or not to appoint a new lawyer for you.

JUVENILE COURT DISPOSITIONAL HEARING

A dispositional hearing takes place after the court finds a juvenile offender, or “delinquent,” guilty of committing a crime. It is similar to a sentencing hearing in adult court. You are subject to a disposition for any crime, including any felony, misdemeanor or violation, you are adjudicated delinquent on. The kind of disposition you get depends upon the seriousness of the delinquency you committed.

The purpose of a dispositional hearing is for the court to determine the appropriate method of correction or type of remedy. The court may base its decision on interviews with you and your parent or guardian. The court may also consider your background, general behavior, family situation, school record, age, and prior court history, as well as the seriousness of the offense. You have a right to a lawyer and the right to be present at this hearing.

The following is a list of common dispositions ordered by the court. The juvenile court has the authority to impose one or more of these punishments:

Simple Warning

In some counties, the court may impose a warning without any supervisory conditions.

Custody

The court may direct that you remain in the legal custody of your parent or a guardian or another person with whom you may be living. Alternatively, it may direct you to be placed in the legal custody of a relative or a person maintaining a court-approved foster home, or in a childcare or youth care center. See 5. below.

Probation

Probation or protective supervision is the conditional release of a juvenile under the formal supervision of the juvenile court. It is the most common response to delinquency. Probation may not exceed five years and may not extend beyond your 23rd birthday, whichever occurs first.

During the probationary period, your activities and character are under constant scrutiny, supervision, and evaluation by court personnel. The court may direct where you live during this period. The court may impose a wide range of conditions pursuant to the probation. These conditions may include the following:

- Community Service—uncompensated labor for the purpose of enhancing physical or mental stability, environmental quality, or the social welfare. The amount of community service ordered by a court may not exceed the amount required of an adult in the same situation. The most common types of community service include clean-ups and trail making. However, anything ranging from helping out at school to working at a nursing home may be ordered. The type of service imposed depends on your ability to perform
- Restitution— a sum of money to be paid by the offender to the victim for personal injury or damages
- If you do not have a job, the court may order that you get one, and the court may withhold money from your wages until the obligation to the victim is completed. The court may provide youth with work for

compensation to be paid directly towards restitution

- Payment of a penalty as determined by the court
- Counseling for skill building, employment, and educational purposes. Other reasons for counseling may include learning to deal with anger, solving drug and alcohol problems, and treating sex offenders
- Written letters of apology by you to the victim
- Drug or alcohol evaluation to determine if drug or alcohol treatment would solve the problem
- Bench Probation—meaning the court withholds supervisory probation in exchange for a promise that you will not commit further crimes. If this promise is broken, detention may result. This condition is usually reserved for less serious offenses
- Personal service for the victim, if the victim is willing. The court will specify the nature and duration of the service
- Up to 8 days in detention for violating a condition of probation
- Restrictions on visitation with your parent or guardian
- Restrictions on whom you may associate with, what jobs you may have, or on your other activities
- Requirements to be observed by a person having legal custody of you
- Requirements to submit to blood or buccal (cheek swab) testing

If you don't comply with your probation the court can also revoke your probation and send you to a Youth Correction Facility (a prison for juveniles) to complete your disposition.

4. Youth Correction Facilities

A Youth Correction Facility (formerly called a training school) is the most serious disposition. It is essentially a prison for kids. It is only imposed on juveniles over 12 years old who have a history of crime, who fail to respond to probation, or who have committed serious crimes. In Multnomah County, it is rare to be sentenced to a training school because each

county in Oregon is allocated a limited number of persons per year, and Multnomah County has the greatest population, so chances of being sentenced to such an institution are low, depending on your history. Juveniles who are originally charged under Ballot Measure 11 who plea bargain to a lesser charge or are convicted at trial of a lesser charge, usually start off any prison sentence in juvenile custody at a Youth Correction Facility such as MacLaren. Because of their criminal history, some Measure 11 juveniles are placed in an adult facility.

Treatment administered at these schools includes lock-up for dangerous individuals, camps, vocational training, and regular schooling. In Oregon, there are several Youth Correction Facilities including, Hillcrest and MacLaren. Hillcrest is located in Salem, and MacLaren School is located in Woodburn.

If you have been placed in one of the Youth Correction Facilities your rights will be limited because of your adjudication, but you will still have some rights. One of those rights is to be able to talk to your attorney within 24 hours of requesting to talk to him/her. The Juvenile Rights Project, Inc.(JRP) Helpline can help you figure out your rights and responsibilities while incarcerated. You can contact the JRP Helpline if you have questions about your confinement, including appeals, post-adjudication relief, access to mail, medical and other treatments, religious activities, the grievance procedure or any other legal assistance (See Contacts).

Instead of sending a delinquent immediately to a training school, the court may order a "suspended commitment." Under this order, you are committed to the institution but actually sent there only if you break a condition of probation.

State Office of Services for Children & Families (DHS)

DHS is a state agency that regulates services relating to children. After a dispositional hearing, the court may order DHS to take legal custody of your care, placement and supervision. The court does not have the power

to direct DHS where to place you, although it may limit the choices.

The person with physical custody of you is responsible for your care. This includes providing food, clothing, shelter, incidental necessities, education, discipline, and the authorization for health care. The court seldom imposes a disposition to DHS.

Other Dispositions

The court may order mental or medical examinations and treatments, or other special care in addition to, or instead of, other dispositions.

The court may impose a fine on a juvenile if a fine could be imposed under the Oregon Criminal Code on an adult who committed the same crime. The court considers your financial resources and whether payment of a fine would be rehabilitative.

Dispositions for Status Offenders

A status offense is a crime that could only be committed by a youth. Status offenses include violating curfew, running away, possessing alcohol or acting out of control. Generally, status offenders are referred to DHS, private counseling, or youth counseling services.

Duration of Disposition

The duration of disposition is fixed by the court for an indefinite time period but cannot be greater than an adult penalty for the same crime. All juvenile dispositions terminate at age 25. Probation terminates at age 23.

BALLOT MEASURE 11 AND ADULT COURT PROCEDURES

What is Ballot Measure 11?

If you are age 15 or older and have been charged with a Ballot Measure 11 offense, you may automatically face trial as an adult without going through the remand process. If you are age 16 or older, you may be held in adult jail while you await trial.

If you are convicted of a Ballot Measure 11 offense following a plea bargain or a trial, you will be required to complete a very harsh minimum sentence with no time off for good behavior or early release. Your sentence would likely be in a youth correctional facility until one of three things happen: (1) you turn 25 years of age, (2) you sign an agreement to be transferred to an adult prison or (3) you are transferred to an adult prison against your will due to behavioral problems in the youth correctional facility. The following offenses are Ballot Measure 11 crimes with their minimum sentences:

Arson—First Degree: 7 years, 6 months
Assault—First Degree: 7 years, 6 months
Assault—Second Degree: 5 years, 10 months
Kidnapping—First Degree: 7 years, 6 months
Kidnapping—Second Degree: 5 years, 10 months
Attempted Murder: 7 years, 6 months
Attempted Aggravated Murder: 10 years
Manslaughter—First Degree: 10 years
Manslaughter—Second Degree: 6 years, 3 months
Murder: 25 years
Rape—First Degree: 8 years, 4 months
Rape—Second Degree: 6 years, 3 months
Robbery—First Degree: 7 years, 6 months
Robbery—Second Degree: 5 years, 10 months
Sexual Abuse—First Degree: 6 years, 3 months
Sexual Penetration with a Foreign Object—First Degree: 8 years, 4 months
Sexual Penetration with a Foreign Object—Second Degree: 6 years, 3 months
Sodomy—First Degree: 8 years, 4 months
Sodomy—Second Degree: 6 years, 3 months
Using a Child in a Display of Sexually Explicit Conduct: 5 years, 10 months
Compelling Prostitution: 5 years, 10 months

These offenses may seem to apply only to the most serious behavior, but you can be charged

with a Ballot Measure 11 crime for behavior that may not seem all that serious. For instance, if you hit someone with a heavy object or kick them with your tennis shoes, you can be charged with Assault in the Second Degree. Or, if you and someone else go up to someone and try to steal something from them and there is any force or threat of force, you can be charged with Robbery in the Second Degree, even if very minimal force is applied or threatened. You might be charged with a Ballot Measure 11 offense even if you do not do anything, but are driving your friends around and they get out of the car and commit a Ballot Measure 11 offense, and then you drive away after they get back in the car.

If you are charged with a Ballot Measure 11 crime, you will be entitled to have a lawyer and will be tried under the rules of adult court, described in the "Trial in Adult Court Section." You will be entitled to a jury trial.

Ballot Measure 11 Pre-Trial Detention

If you are arrested for a Ballot Measure 11 offense, you may be held in adult jail if you are 16 years old or older. You must have a court appearance within 36 hours. As the law states at the time of this writing, you will be denied release unless the court determines by clear and convincing evidence that you will not commit a new crime while on release. If you want to have a release hearing, you must request it at your initial appearance in court. Once you request a hearing, the state must hold it within five days.

At the hearing, the court will determine whether there is probable cause that you committed the crime and whether you would commit new crimes on release. The district attorney has the burden of presenting this evidence. You may be represented by a lawyer at this hearing.

For Ballot Measure 11 crimes, there is a minimum bail of \$50,000, and you will not be released unless you can post at least ten percent of that, which is \$5,000. Some counties have higher bails. For instance, Multnomah County sets bail at \$250,000, and you have to post \$25,000 to get out of jail.

At your release hearing, the judge may lower your bail. In some counties, the court refers you to a supervising agency to monitor you if you are

released on a lower bail. In Multnomah County, you could be supervised by Close Street Supervision. Your bail can only be reduced below the minimum of \$50,000 if you have a hearing and the judge decides to reduce the bail.

Trial in Adult Court

When you are remanded from juvenile court or are charged under Ballot Measure 11, your trial is held in adult court. You have all the rights you have in a juvenile court, plus the right to a bail hearing and a jury of 12 persons to decide your case. In Oregon, juries do not have to return unanimous verdicts. You may be found guilty of a crime if ten jurors vote for your guilt even if two jurors think you are not guilty. Likewise, you may be found not guilty if ten out of 12 jurors vote that you are not guilty.

You have the right to have your case tried by a judge instead of a jury.

You have the right to testify on your own behalf and tell your side of the story. If you do not want to testify, you have the right to have the jury instructed that they cannot consider your silence as evidence against you. If you testify, any past adult felonies and some misdemeanors you have committed can be admitted into evidence to challenge your credibility. Some prior behaviors, even if you were never convicted in connection with those actions, may be used against you if they are relevant to the case.

If you are found guilty in adult court, you have been convicted of a crime. An adult conviction is on public record. None of the Ballot Measure 11 offenses may be expunged (or removed from your record), and if you are convicted the crime goes on your permanent record.

You do not have to go to trial. If you choose, you can accept a plea bargain offered by the district attorney. It is best to talk over your decision carefully with your lawyer. Sometimes a plea bargain can save you from a very long prison sentence. Just as at trial, if you accept a plea bargain, that means the conviction goes on your record.

Sentencing in Adult Court

The sentencing in adult court is similar to that in juvenile court. You either receive probation or prison, depending on your offense.

Adult Probation: You may be placed on probation requiring you to report to a probation officer. You may be required to complete community service, forest camp, work release, or jail time as a condition of probation. There may also be other conditions, such as anger management classes, alcohol or drug treatment, full-time school or employment, following orders of DHS, or other conditions imposed by your judge or probation officer.

Being on probation is considered a privilege. If you do not report as required to your probation officer or fail to complete conditions, you can be in violation of your probation and/or your probation can be revoked. If you are in violation of your probation, this means you can receive time in custody as a penalty for not following through on your probation. If your probation is revoked, this means the judge thinks you cannot be supervised in the community and must be placed in custody. You can be sent to prison for up to six months or even more, depending on your offense.

Adult prison: If you do not qualify for a probation sentence, you will be sent to prison. If you are sentenced for a Ballot Measure 11 crime, you may not earn time off for working or for good behavior.

For prison sentences outside of Ballot Measure 11, including those that you plea bargain, you may receive time off or even be eligible for boot camp, work release, early release, or other programs. The judge has to order that you are eligible for these programs at the time of your sentencing for you to be able to participate in them. The law requires the judge to find you eligible for these programs unless he or she finds substantial and compelling reasons to prevent you from participating.

Ballot Measure 11 Exceptions

If your applicable offense occurred after October 1997, you may be able to qualify for a sentence outside of Ballot Measure 11. This exception applies only to Manslaughter in the Second Degree, Assault in the Second Degree, Kidnapping in the Second Degree, Rape in the Second Degree, Sodomy in the Second Degree, Unlawful Sexual Penetration in the Second Degree, Sex Abuse in the First Degree and Robbery in the Second Degree. The judge must find that "substantial and compelling reasons" justify a sentence that is less than the minimum required by Ballot Measure 11. Substantial and compelling reasons might include your personal history and the circumstances of the crime. If the judge authorizes the lower sentence, you still face time in adult prison.

You qualify for a lower sentence only if certain conditions are met. Ask your lawyer whether your case falls within those conditions. If you meet the standards, you may potentially qualify for a probationary sentence if the judge finds additional, substantial and compelling reasons to lower your sentence a second time. The judge must also find that a sentence of probation will be more effective than prison in reducing the risk that you will re-offend and that the lower sentence will better serve to protect society.

Second Look

Some persons who are charged with a Ballot Measure 11 crime and who take a plea bargain to get the sentence out of Measure 11 or who earn a lower sentence described in the above section may be eligible for a "Second Look." Second Look makes you eligible for release after half of your sentence is over. It is also called "conditional release." It is conditional because you are still under the jurisdiction of the court and must abide by the rules set up by the court or else you can be taken into custody. Your jail counselor must notify your sentencing judge before half of your sentence is up. You are entitled to have a lawyer represent you at the hearing and you may ask the judge to release you. The hearing must occur no later than 30 days after the date on which you served one half of your sentence.

For crimes occurring after October 1997, you are eligible for conditional release only if your sentence is for 24 months in prison or more. At the hearing, the judge will consider your personal history, the circumstances of the crime, and your behavior in custody before deciding whether to release you. You may be required to follow certain conditions during your release and if you do not follow those conditions, you can be taken back into custody to finish your sentence.

JUVENILE COURT RECORDS AND EXPUNCTION

Confidentiality of Records

All information contained in juvenile records is considered confidential. However, access is available in certain situations. A recruiter for the U.S. armed forces may obtain records of an adjudicated matter with your written permission. Your lawyer may obtain records if he or she is handling a juvenile case. Your parent or guardian also has limited access. However, records are not available to an employer. Juvenile records, reports, or other materials may not be disclosed to any other person without the consent of the court. In certain circumstances, juvenile records may be used by a court. Your juvenile history can be used against you later if you are sentenced for an adult offense. You also have the right to request a copy of your records.

Expunction of Records

Expunction is the destruction or permanent sealing of records and documents so that they are no longer public information.

You cannot expunge the following juvenile offenses: Any Homicide or Attempt or Conspiracy to Commit Murder; Assault in the First Degree; any sex-related offense; Criminal Mistreatment in the First Degree; Kidnapping in the First Degree; or Promoting or Compelling Prostitution. Ballot Measure 11 offenses may not be expunged. Different rules apply to adult convictions.

Expunction must occur in the county you lived in at the time the disposition ended. By law, the juvenile court is required to make reasonable

efforts to provide written notice to you of expunction procedures at the dispositional hearing, at time of termination of the disposition, upon notice of expunction by the court, and at the time of the execution of an expunction order.

There are two methods of expunction, automatic and by application. Automatic expunction occurs when the court itself expunges your juvenile records. This occurs once you have reached the age of 18 and with the approval of the district attorney. Automatic expunctions at age 18 are done haphazardly. You should check to make sure your records are actually expunged.

You may apply for expunction at any time by filing an application with the court. The application is provided by the juvenile court and explains what records can be expunged and what records are not eligible for expunction. The application for expunction must be approved by the district attorney who weighs the following criteria in determining whether to approve expunction:

- Whether five years have elapsed since the most recent disposition or the court has allowed a lesser time
- Whether there have been felony or class A misdemeanor convictions since the date of the most recent disposition
- Whether criminal proceedings are pending
- Whether the person is within the jurisdiction of any juvenile court due to allegations that:
 - a) The person has committed a crime
 - b) The person is beyond control of his or her parent or guardian
 - c) The person is a runaway
 - d) The person's behavior, condition, or circumstances endanger his or her welfare or the welfare of others
- Whether the juvenile department is aware of any pending investigation of the conduct of the person by a law enforcement agency

The district attorney has 30 days to give you and the court written notice of any objections to the expunction. After the district attorney accepts or rejects the application, it is returned to the court. If expunction is not approved, the district attorney explains why and states when you are

eligible to apply again. You may request a court hearing by a judge or referee to determine the appropriateness of the denial.

CRIMINAL LAWS AND PUNISHMENT

INTRODUCTION

Minors generally come under the jurisdiction of the juvenile court. Most young people who are brought to juvenile court are there for criminal behavior. The following pages list and define some criminal laws you should know. All crimes are divided into different classes depending on their seriousness: Felonies are either class A, class B, or class C, and misdemeanors fall into the same classes. The list includes "status offenses," which are not criminal in nature.

There are many other crimes that are not mentioned here. You can find a complete set of all the laws of Oregon in any public library. The books are called the Oregon Revised Statutes (ORS). You can also find these laws online at <http://www.leg.state.or.us/ors/>.

STATUTE OF LIMITATIONS

The law generally requires that a civil lawsuit or criminal charges be brought within a certain period of time. This period is referred to as the statute of limitations. Thus, if you have been civilly wronged (for example, if you have been personally injured or someone has breached a contract which you have entered into with that person) you should seek legal assistance before this time period expires.

If you have committed a criminal offense, then the police must bring charges against you within the following time periods:

No Time Period: Attempted Murder, Manslaughter, or Murder. If you commit the crime of murder, you can be arrested for that crime up until the time of your own death.

Within Six Years or if the victim is under 18 years of age, then anytime before the victim reaches 30 years or within 12 years after the offense is reported to a law enforcement agency

or the Department of Human Services, whichever occurs first:

- Criminal Mistreatment-First Degree
- Rape First, Second, and Third Degrees
- Sodomy First, Second, and Third Degrees
- Sexual Abuse First and Second Degrees
- Unlawful Sexual Penetration First and Second Degrees
- Promoting or Compelling Prostitution
- Arson

Within Four Years of the commission of the offense; or if victim is under 18 years of age, then anytime before the victim reaches 22 years of age; or within four years after the offense is first reported (whichever comes first):

- Sexual Abuse Third Degree
- Other offenses involving making obscene materials available to minors

Within Three Years:

- Most other felonies

Within Two Years:

- Most other misdemeanors

Within Six Months:

- Most violations (tickets)

These time periods begin to run on the day after the offense was committed. The prosecution for the crime is deemed commenced when a warrant or other process has been issued, so long as it is executed without unreasonable delay.

CRIMES IN PREPARATION

Aiding and Abetting: Intentionally helping or encouraging another person to plan or commit a crime, or attempting to help someone else commit a crime. For example, if you serve as a lookout during a burglary, you can be convicted of burglary. If you drive a car to a place where your passenger gets out and commits a robbery, then you can be charged with robbery. Aiding and abetting is not a lesser offense. You can be

charged with the same crime as the other person.

Attempt: Trying to commit a crime is itself a crime, even if you do not succeed. To be charged with an attempted crime you need only to do something intentionally which is a "substantial step" toward the commission of a crime. For example, if you place open cans of gasoline close to a building intending to start a fire, and do nothing further, you have done enough to be convicted of Attempted Arson. If you try to buy drugs, you can be charged with Attempted Possession of a Controlled Substance.

The key element in an attempted crime is intent. An attempted crime is ranked one seriousness level below the completed crime.

CONSPIRACY AND SOLICITATION

Conspiracy: Agreeing with another person or persons to commit a crime, where one of you does something to further the plan to commit the crime. If you do so, you can be charged with criminal conspiracy. For example, if several persons agree to rob a bank, plan the robbery, obtain weapons to use in the robbery, and then get arrested before they rob the bank, they would all be guilty of conspiracy. Conspiracy is treated at the same level as the crime which the persons conspire to do.

Solicitation: Intentionally asking, encouraging, or commanding another person to commit a serious crime. For example, it is solicitation if you hire someone to kill another person. As with attempt, the crimes of solicitation and conspiracy do not require that the intended crime actually be committed. Crimes of solicitation are treated at one seriousness level below the crime solicited.

CRIMES AGAINST PERSONS

Crimes against persons are considered to be more serious than other types of crimes. Examples of crimes against persons include the following crimes.

Criminal Mistreatment: Having the legal duty to provide care for another person, such as a child or elderly person, and knowingly causing physical injury or withholding necessary care,

food, or medical treatment. Even slapping or spanking a child in your care might be considered criminal mistreatment.

Assault: Intentionally, knowingly, or recklessly injuring another person, or with criminal negligence causing physical injury to another person by use of deadly force. There are degrees of this which vary depending upon the seriousness of the injury and the type of attack. If you and someone else hit another person, you can both be charged with Assault in the Third Degree.

Criminal Homicide: Killing someone without justification. The most serious is an intentional killing: Murder. Lower degrees of homicide include reckless or negligent killings such as those resulting from an accident by a drunk driver.

Escape: The unlawful departure of a person from custody or a correctional facility when force is used during the escape.

Extortion, Blackmail, Coercion, Duress: Forcing another to act against his or her will by threats or the use of violence.

Harassment: Intentionally causing offensive physical contact without injury, such as shoving someone.

Intimidation: Threatening, or injuring another person or that person's property because of his or her race, color, religion, national origin, or sexual orientation.

Kidnapping: Intentionally taking a person from one place to another, even across a room, against his or her will or secretly hiding someone against his or her will.

Resisting Arrest: Using or threatening to use physical force to avoid arrest by a law officer whether or not the arrest is legal.

Robbery: Stealing from a person by using physical force or threats of force. It is more serious when a weapon is involved, when you try to injure someone, or when you pretend to have a weapon.

Stalking: Knowingly alarming or coercing another person or a member of that person's

immediate family by engaging in repeated and unwanted contact with the other person, and this contact causes the person reasonable fear for his own or a family/household member's personal safety.

SEXUAL OFFENSES

The law does not always regard sex as a private matter. The policy behind these laws is to prevent persons from being sexually exploited. Sexual activity is illegal when:

- Someone does something sexual to you without your consent
- You do something sexual to someone without their consent
- You and your sexual partner both consent, but the law declares that one of you is unable to consent. You are considered unable to consent to a sexual act if you:
 - a) Are under 18
 - b) Have a mental disease or defect which prevents you from judging your actions
 - c) Are mentally incompetent
 - d) Are physically helpless (e.g., asleep or in a coma)

If you are charged with some types of sexual contact with persons under the age of 18, it is a defense if you are less than three years older than the person with whom you had that contact. However, there are other crimes that you may be held responsible for, despite the closeness in age. The enforcement of these laws varies by county.

The following are descriptions of some sexual activities that are crimes. Note that all sex offenses are person crimes. When someone does something sexual to you without your consent or forces you to do some sexual act you do not want to do, it is a crime even if it is not described here. For help, talk to an adult you trust or a lawyer immediately. Both males and females can be charged with any sexual offense. If found guilty of a sex crime, you will likely be subject to the same registration rules that apply to adults, which means you must keep the state informed of where you live.

Sexual Abuse: Involves what the law calls "sexual contact:" touching the sexual or other intimate parts of a person or making another

person touch your sexual or intimate parts for the purpose of arousing either person. Sexual abuse includes engaging in sexual intercourse with another person without his or her consent.

- Third Degree Sexual Abuse occurs when a person subjects another person to sexual contact and the other person does not consent or is unable by law to consent because he or she is under 18
- Second Degree Sexual Abuse occurs when a person subjects another to sexual intercourse, "deviate" sexual intercourse (defined below) or unlawful sexual penetration, and the other person does not consent
- First Degree Sexual Abuse occurs when a person subjects another to sexual contact and the other person is under 14 years of age or is subjected to sexual contact by force

Sodomy: Engaging in "deviate" sexual intercourse (defined as sexual contact consisting of contact between the sex organs of one person and the mouth or anus of another in other words, oral or anal sex) with another person under the following circumstances:

- Third Degree Sodomy occurs when a person has "deviate" sexual intercourse with someone under 16 years of age, or causes that person to engage in deviate sexual intercourse
- Second Degree Sodomy occurs when a person has "deviate" sexual intercourse with someone under 14 years of age
- First Degree Sodomy occurs when a person, through the use of force, has "deviate" sexual intercourse with someone under 12 years of age; a person who is under 16 and is the perpetrator's brother or sister (whole or half blood), a son or daughter, a step-son or step-daughter, or a person incapable of consent

Rape: Having sexual intercourse under the following circumstances:

- Third Degree Rape occurs when a person has sexual intercourse with a person who is under 16 years old

- Second Degree Rape occurs when a person has sexual intercourse with a person who is under 14 years old
- First Degree Rape occurs when a person has sexual intercourse with a person who:
 - a) Is forced into the act;
 - b) Is unable to consent due to a mental disease or defect or is physically helpless;
 - c) Is under 12; or
 - d) Is under 16 and is the person's brother or sister, half sister or half brother, son or daughter, or stepdaughter or stepson.

The laws on statutory rape, where the crime is based solely on the age of the victim, exist to protect younger persons from being taken advantage of by older persons.

Contributing to the Sexual Delinquency of a Minor: This is a less serious crime than statutory rape. It is committed by any person, male or female, 18 or older, who has sexual intercourse with someone under 18. There is a defense if your age difference is less than three years. Also, you may have a defense if you thought the person was 18 years or older, but you have to prove at trial that your belief was reasonable.

Sexual Harassment: Intentionally harassing or annoying a person by subjecting them to offensive physical contact that consists of touching the sexual or intimate parts of that person.

Sexual Misconduct: This is the least serious of the sexual crimes. It occurs when a person engages in sexual intercourse or "deviate" sexual intercourse with someone who is under 18 and is not married.

Public Indecency: It is a crime to do the following things in a public place, or in view of a public place:

- Engage in sexual intercourse or "deviate" sexual intercourse; or
- Expose your genitals with the intent to sexually arouse yourself or others.

CRIMES AGAINST PROPERTY

Arson: Starting a fire or causing an explosion which damages property. It is more serious when persons are also endangered and would be considered a person crime and not just a property crime.

Burglary: Unlawfully (without permission) entering or remaining in a building with the intent to commit any crime, not just theft. It is burglary even if the intended crime is never committed. It is more serious if you burglarize someone's home, if burglar's tools or weapons are used, or if persons are present in the home when the burglary occurs.

Computer Crimes: A person who knowingly and without authorization uses, accesses, or attempts to access any computer, computer system, or computer network, commits a class A misdemeanor "computer crime."

A person who knowingly and without authorization alters, damages, or destroys a computer, computer system, computer network, or any computer software, program, documentation, or data contained in a computer, computer system, or computer network, commits a class C felony "computer crime."

A person commits a class C felony "computer crime" if a person knowingly accesses, attempts to access, or uses or attempts to use any computer, computer system, computer network, or any part thereof for the purpose of:

- Devising or executing any scheme or artifice to defraud;
- Obtaining money, property, or services by means of false or fraudulent pretenses, representations, or promises; or
- Committing theft, including, but not limited to, theft of proprietary information.

If a person commits a "computer crime" and the computer program, software, system or data is owned and operated by the Oregon Lottery Commission, then that person commits a class C felony "computer crime."

Criminal Mischief ("Vandalism"): Tampering with or damaging someone else's property. The crime becomes more serious as the value of the

property damaged increases. For example, if you cause more than \$1,000 damage to a car you can be charged with a felony. The crime also becomes more serious if the property vandalized belongs to a public utility, such as Tri Met or a telephone company.

Criminal Trespass: Unlawfully entering or remaining on the property of another. The crime is more serious if you trespass in someone's home or if you enter the property of another while in possession of a firearm. You can also commit this crime if you re enter a place that you have been told to stay away from, such as a store or parking lot, or a designated "Drug Free Zone."

A coach, team player, or spectator at a sports event, commits criminal trespass if, after engaging in inappropriate behavior and ordered to leave the premises by a sports official, fails to leave or returns during the period time when reentry has been prohibited.

Theft: Intent to deprive another person of their property. This includes finding and keeping something which you know belongs to someone else, as well as actually stealing it. It becomes more serious as the value of the property increases.

Forgery: Intentionally making, completing, or changing a written or printed document without permission or using or presenting a document you know is forged. For example, if you change the amount of a check without permission and present the check to a bank or you use a credit card without the owner's permission, you can be charged with forgery. You can be charged with forgery if you try to pass a bad check at a bank, even if you did not alter it.

Unauthorized Use of a Vehicle ("Joyriding"): Taking, operating, riding in, or using someone's car, boat, or other vehicle, without the owner's permission.

You can be charged with this offense even if you are a passenger, if you knew you did not have the owner's permission to ride in the car.

Unauthorized Use of a Vehicle becomes more serious when you commit it as an adult. New laws are making the sentencing more serious for these and other property offenses. As an adult,

if you have one prior Unauthorized Use of a Vehicle conviction, you can automatically get 13 months or more in prison.

Graffiti: Applying graffiti to an object knowing you have no right to do so. It is also a violation to possess a graffiti implement, such as paint, ink, chalk, or dye designed for spraying, marking, etching or carving surfaces. If you apply graffiti to any surface you may also be charged with criminal mischief for damaging property.

You can be charged with a felony if you damage property belonging to a public utility, telecommunications utility, railroad, public transportation facility or medical facility. For instance, if you mark up a bus bench or bus shelter with a marker, you can be charged with a felony, even though the damage may not be expensive.

OFFENSES AGAINST PUBLIC ORDER

Riot: If while participating with five or more persons, a person engages in violent and disorderly conduct and intentionally or recklessly creates a grave risk of causing public harm.

Disorderly Conduct: If, with an intent to cause public inconvenience, annoyance or alarm, or recklessly creating such a risk, a person:

- Engages in fighting or in violent, disorderly, or threatening behavior;
- Makes unreasonable noise;
- Unlawfully disturbs a lawful assembly of persons;
- Gathers with other persons in a public place and refuses to comply with a lawful order of the police to disperse;
- Initiates or circulates a knowingly false report concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency; or
- Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

Falsely reporting a hazardous substance, fire, explosion, catastrophe, or other emergency at a school is a more serious crime if you have previously been convicted of disorderly conduct involving a school.

CRIMES WITHOUT VICTIMS

Alcohol: It is illegal for anyone under 21 to purchase or attempt to purchase, possess, or consume an alcoholic beverage. However, it is legal to drink alcohol in a private home with the consent of, and in the presence of, your own parent or guardian. It is illegal to lie about your age to buy liquor.

If an adult purchases liquor for a minor, and is caught, there is a mandatory \$350 fine for the first offense, \$1,000 fine for the second offense, and a \$1,000 fine and 30 days in jail for the third offense. These stiff penalties are designed to discourage adults from buying alcohol for minors.

All persons purchasing beer kegs must sign their names on a special receipt. Each keg that is bought is tagged with an identification number that matches the number on the receipt. If a keg is found at a party where juveniles are drinking, the police will make a note of the number on the tag. The purchaser whose name is on the receipt with the same number as the keg will be charged with the offense mentioned in the previous paragraph.

Minor in Possession: It is illegal for a minor to be in possession of alcohol or controlled substances anywhere; the only exception to this rule, as mentioned above, is that it is legal to drink alcohol in a private home with the consent of, and in the presence of, your parent or guardian. If the court finds you in violation of the Minor in Possession law, your driver's license or your right to apply for a driver's license will be suspended for up to one year. Possession can mean either being in physical possession of a container of alcohol or, if you are under 21, having alcohol in your system. Possession can be determined by the performance of sobriety tests or blood alcohol content tests.

Alcohol and Automobiles

It is also illegal to drive while under the influence of alcohol. The crime is called Driving Under the Influence of Intoxicants (DUII). You may also be arrested for driving under the influence of other intoxicants such as marijuana, medication,

cocaine, LSD, methamphetamine, or other substances.

DUII is a crime. Alcohol is involved in a large percentage of accidents in which persons are injured or killed. If you have been drinking, do not drive. Ask a sober friend to drive, take public transportation, a taxi, call someone to pick you up, or walk to wherever you are going.

In Oregon, if you are stopped by a police officer who reasonably suspects that you are driving under the influence of intoxicants (alcohol or drugs), you may be asked to take a breath test. If you are arrested for DUII and you refuse to take this test, your license will be suspended for one year and the officer will take away your license on the spot. In addition, if your record shows any type of prior alcohol related entry in the last five years, including a prior suspension for refusal or failure to take a breath test, a DUII conviction, or an alcohol education or treatment program, then your license will be suspended for three years.

You may be convicted of a DUII if you have, at the time you were driving, a blood alcohol level of 0.08 or higher or if you are found to be under the influence of intoxicating liquor, a dangerous or narcotic drug, or any combination of these substances. You can be found to be under the influence even if your blood alcohol level is below 0.08. Under this circumstance, a jury must simply be convinced that your mental or physical capacity is influenced by alcohol to a noticeable or perceptible degree. A DUII is a class A misdemeanor. If convicted of a DUII you may be fined up to \$6,250 or sentenced for up to one year in jail, or both. You must serve at least 48 hours in a minimum-security jail or rehabilitation or treatment center, or perform at least 80 hours of community service. You will be required to pay a fine of at least \$1000 along with other fees. Having a DUII conviction generally prevents you from entering Canada for ten years.

Zero tolerance applies to minors. If you are under the age of 21, are given a breath test, and it shows any amount of alcohol in your body, your license will be suspended for 90 days. If you have any prior alcohol related entries on your record, your license will be suspended for one year. Zero tolerance, however, does not mean that you are

automatically guilty of a DUI if you have a blood alcohol content above 0.00%.

If you are under 18 years of age and you are convicted of a DUI you may lose your license until you are 18 or until you are eligible for reinstatement (one year), whichever is later. In some cases you may be able to get a hardship permit. A second or any additional conviction will mean a three-year suspension of your license if the offense takes place within five years of another conviction.

A court can order your license suspended or deny your right to apply for a driver's permit or license for six months under certain drug offenses. No hardship permit will be allowed during this type of suspension. The drug offense need not involve a motor vehicle.

Provisional License

If you are between 13 and 17, a judge must order the Oregon Division of Motor Vehicles (DMV) to deny a license or permit to you if you are convicted of being illegally involved with drugs or alcohol. This law applies regardless of whether a motor vehicle is involved. The length of the suspension will depend on your age at the time of the incident and whether you have been involved in drugs or alcohol in the past. The first order will be for one year or until you reach 17, whichever is longer. The second order will be for one year or until you reach 18, whichever is longer. The judge has the right to review the order and withdraw it after 90 days on the first offense. The order cannot be withdrawn on any subsequent offense until after one year.

The parent or guardian who signed your driver's license application may write a letter to the DMV at any time until you reach 18 and withdraw approval for you to have a license. Your license will be canceled until your parent or guardian consents to you having a driver's license, or until you reach 18 and your parent's or guardian's signature is no longer required.

Drugs & Marijuana

Drugs: Almost all activities involving narcotic or dangerous drugs are serious criminal offenses. This includes selling, possessing, manufacturing, growing, using, and being under

the influence. On the other hand, it is legal for you to have and use a drug given or prescribed by a doctor, dentist, nurse practitioner, or physician assistant, but only if you are the person for whom the drug was prescribed.

The most serious drug law is aimed at the distributor, particularly if distribution is to a minor. For example, a person over 18 who gives or sells marijuana to a juvenile who is more than three years younger commits a class A felony and could be imprisoned for 20 years and fined up to \$375,000. Further, if that person is caught selling or is in possession of drugs within 1,000 feet of a school, the penalties can be even more serious. An adult who uses a minor to sell drugs also faces more serious penalties.

Even if you do not use drugs yourself, it may be a crime to remain in a place where drugs are kept or sold or allow children to remain in a place where drugs are used or sold. You could be charged with a status offense even if you are not charged with this crime. If you have the ability to exercise control over the substance, you could be charged with possession.

It is also illegal to sell drug paraphernalia when you know it will be used to grow, package, or consume drugs. It is also a crime not to report the receipt or sale of chemicals that can be used to make drugs.

Marijuana: Some think marijuana possession is not a crime, or is not as serious as other drugs, but it is more serious than you may realize.

Possession of more than one ounce is a class B felony punishable by a jail sentence and a fine. The same penalties will apply if you are adjudicated of this offense in juvenile court.

Possession of less than one ounce of marijuana is a violation and not a crime. Therefore, you cannot be arrested for this offense. However, the minimum fine for this offense is \$500 and the maximum is \$1,000.

Even if the county where you live announces that they will not be prosecuting "pot smokers," police officers still have the authority to arrest you and may use the opportunity to search for more marijuana or other evidence.

Growing marijuana plants is a serious crime no matter how old you are. If you possess one small growing plant you can be found guilty. The crime is a class A felony, which is punishable by up to a \$375,000 fine and 20 years in prison. Delivery of marijuana may be punishable in the same way if you sell it to a minor who is more than three years younger than you. Otherwise, the penalty varies based on whether you received money or anything else of value, the amount of marijuana or where the delivery occurred.

Other Offenses

Harboring: Harboring a runaway child may be illegal depending on where you live. In Portland, it is illegal to provide a place to stay for a child who has run away from home.

Loitering: Loitering is being in a public place without a legitimate reason. The Oregon courts have declared most of the loitering laws to be unconstitutional. The courts feel that these laws are too broad and too vague. Schools often use the trespass laws instead of the loitering law to prevent persons from hanging around the school grounds.

Misrepresentation of Age by a Minor: A person commits this crime by claiming to be older than the person actually is, in order to gain a benefit only awarded to older persons (like the ability to buy alcohol). A person also commits this crime when being unmarried, the person knowingly represents that he or she is married with intent of securing a benefit which by law is denied to unmarried persons.

If you are under 21 and you use a driver's license or other DMV identification to purchase or consume alcohol, you may be required to perform community service work in addition to other penalties. The court will also order that your driver's license be suspended for up to one year. If your driver's license has been suspended for violation of this offense, you may petition the court to withdraw the order of suspension. The court may withdraw the order at any time the court deems it appropriate. A hardship permit may be granted by the court.

Prostitution: Prostitution is offering, agreeing to, or engaging in sexual conduct for a fee. The crime applies to both the buyer and seller. The

offering or agreeing is enough to be the crime, even if no sexual acts take place. Promoting prostitution, or "pimping," is also illegal and a felony. Compelling someone by physical force to commit prostitution is a Ballot Measure 11 offense.

Tobacco: The possession or smoking of tobacco by a minor is against the law and is punishable by a fine of not more than \$100.

Weapons: It is illegal to carry a concealed weapon without a license to carry one. Intent is not a factor. You must be at least 21 to get such a license. Also, an adult is forbidden by law to sell or give a concealable firearm to a person under 18.

Weapons that cannot be carried include knives, such as dirks, daggers, ice picks, slingshots, and metal knuckles, or any weapon which can inflict injury on someone or their property.

If you are under age 18, it is illegal to possess any firearm unless your parent or guardian consents to you having a firearm which is not a handgun, or unless you possess a firearm temporarily for hunting or target practice.

You may not possess any type of firearm at all if you have been convicted of a felony as an adult or if, within the past four years, you were discharged after having been found to be in the juvenile court's jurisdiction for any violent offense.

It is illegal for anyone to possess a short barreled rifle or machine gun without registering it in compliance with federal law.

It is also illegal to purposely point or aim a firearm at someone whether the weapon is empty or loaded, and you can be fined and placed in jail if you do so.

In the case of hunting rifles, a special safety certificate is required before you can carry such a rifle. This certificate is available from the Oregon State Department of Fish and Wildlife.

SAFETY LAWS

Hitchhiking: It is against the law to stand on a roadway to hitch a ride. The other thing to consider when hitchhiking is that you do not

know who is going to pick you up. Some rides could turn out to be very unpleasant or dangerous. If you do hitch a ride, it is much safer NOT to do it alone.

Laws on hitchhiking are different in other states. Some states, like California and Washington, prohibit it or have some strict rules about where you can stand, so know what the law is before you hitchhike.

Bicycles: If you ride a bicycle on the street, you must obey all the traffic laws that apply to other vehicles, including stopping at stop signs and signaling turns. Helmets are required by law for all bicycle riders 16 years of age and younger. At night, you have to have a headlight visible from 500 feet and a red reflector or light visible 600 feet to the rear. You may be stopped by a police officer if you do not. You can be charged with DUII if you ride a bicycle under the influence of intoxicants.

Never ride your bicycle on the wrong side of the road, against the flow of traffic. Your city or town may require you to register your bicycle. The Portland Police Bureau recommends that you mark or engrave the frame, handlebars, pedals, and any large removable parts of your bicycle with your Oregon driver's license number.

If you do not have a driver's license, you can get an identification number from the DMV. These numbers help the police return your lost or stolen bicycle.

Mopeds: Moped licenses are available to persons 16 years or older. You must have a license to drive a moped (or any motorized vehicle) on the street or on any private property that is open to the public, such as a parking lot. If you are driving on private property not open to the public, other than your own property, you must carry with you the written permission of the owner of the property. You must wear a helmet if you are riding a moped or motorcycle. No passengers are allowed on a moped.

STATUS OFFENSES

A status offense is an act or condition which would not be illegal for an adult, but is an offense for a minor. Committing a status offense will bring you within the jurisdiction of the juvenile court.

There are three categories of status offenses:

- Being beyond the control of your parent or guardian
- Behavior, conditions, or circumstances which endanger your welfare or the welfare of others
- Running away from home

The first two are very general. If you violate curfew or are truant from school, you could be within those categories.

Beyond Control: Failing to mind your parent or guardian, using drugs, repeatedly running away from home, violating curfew, or not attending school are generally the reasons for being "beyond control" of your parent or guardian. Aggressive outbursts, use of profane and obscene language, and a poor outward attitude are often considered evidence of being "beyond control."

It is usually your parent or guardian who makes this kind of charge against you. Teachers, relatives, or other interested persons can also file such a petition.

Behavior, Conditions, or Circumstances (BCC): Most of the things that could support a finding that you are beyond the control of your parent or guardian could also support a BCC petition. Whether the court finds one category instead of the other probably depends on the custom in your county as much as the facts in your case. This category also includes situations that potentially threaten the safety of a child, such as not having a place to live, not being cared for properly, being exposed to drug abuse and alcoholism, or having problems that require professional help.

CURFEW LAWS

Oregon law provides that "No minor shall be in or upon any street, highway, park, alley, or other public place between midnight and 4:00 a.m." unless:

- Accompanied by a parent, guardian, or other person over 18 who has the parent's or guardian's permission to have care and custody of the minor;
- The minor is engaged in a lawful pursuit or activity which requires his or her

presence in public places during the curfew hours; or

- The minor is legally emancipated.

A job or school related activity would be an example of such a lawful pursuit or activity.

The state curfew law is rarely enforced. Your local city or town may have additional laws or curfew hours. You may perform an internet search or call your local police station to find out about the curfew where you live.

In Portland, the curfew law is stricter than state law. If you are under age 14 and there is school the next day, the curfew lasts from 9:15 p.m. to 6:00 a.m. If there is no school the next day, curfew is 10:15 p.m. to 6:00 a.m. If you are aged 14 to 17 or in high school and there is school the next day, curfew is 10:15 p.m. to 6:00 a.m. If there is no school, it is midnight to 6:00 a.m.

If you are going to be out past curfew for a lawful pursuit or activity, it is best to carry some sort of written permission or work card to show why you are out. If you are legally emancipated, you should carry a copy of your emancipation.

Running away: You are a runaway if you leave your family home, group home, or any legal guardian without the knowledge, permission or consent of your parent or guardian. When you are taken into custody by the police as a runaway, the police officer could take you home, to the police station, or to the juvenile court. If it is the first time, you will usually be released back to your home. If you have run away before, it is treated more seriously. You may be taken to court or placed in shelter care. In Portland, it is illegal to provide a place to stay for a child who has run away from home. If you run away from home and your parent or guardian has filed a runaway report with the police you cannot stay at a youth shelter unless parental permission is received.

Truancy: Truancy is absence from school without permission from your school or your parent or guardian.

Oregon law requires everyone between the ages of 7 and 18 who has not completed the 12th grade to attend public school. There are a few exceptions to this requirement. See the

“Student Rights Section” for further information on when a student is not required to attend public school.

Usually a school will handle truancy by meeting with you and your parent or guardian. The same is true of irregular attendance, which is defined as unexcused absence from school with the knowledge of your parent or guardian. Sometimes, however, a school will drop you from the enrollment sheets after missing 10 consecutive days of school. This may occur without the consent or knowledge of your parent. In serious cases, the school also may refer you or your parent to the juvenile court. The law provides that, as a result of your continuing truancy, the court may punish your parent or guardian. Truancy or irregular attendance could be the basis of a “Beyond the Control” petition described earlier. In Portland, police officers may pick you up if they think you are a truant and arrange for your parent or guardian to pick you up.

PUNISHMENT FOR CRIMES

If you are under the jurisdiction of the juvenile court see the “Juvenile Law and Rights Section” for the kinds of punishment to which you may be subjected. If you are under the jurisdiction of the adult court because you have been moved to the adult court or are charged with a Ballot Measure 11 offense, see the Charts on the next pages for: the maximum jail time and fines you may be subjected to based upon the classification of the crime you have committed; some of the crimes which fall within the classification of felonies, misdemeanors, and violations; and the more common types of controlled substances (drugs) found within the particular “schedule” classification.

MAXIMUM PUNISHMENTS, CLASSIFICATIONS and FINES

Aggravated Murder:	Death, or life without parole	
Murder:	Imprisonment: If the offense was committed after April 1995, 300 months or 25 years minimum without parole or early release	
Felony:		
Class A	Up to \$375,000	20 years
Class B	Up to \$250,000	10 years
Class C	Up to \$125,000	5 years
Misdemeanor:		
Class A	\$6,250	1 year
Class B	\$2,500	6 months
Class C	\$1,250	30 days

SCHEDULE OF COMMON CONTROLLED SUBSTANCES

Schedule I:	Heroin, Marijuana, LSD, Peyote
Schedule II:	Cocaine, PCP, Methamphetamine, Codeine, Amphetamine, non-prescription Pseudoephedrine
Schedule III:	Anabolic Steroids
Schedule IV:	Valium, Ambien, Xanax
Schedule V:	Small amounts of codeine or narcotics found in cough medicine

CLASSIFICATION OF FELONIES

CLASS A	
First Degree:	<ul style="list-style-type: none">• Arson• Assault• Attempted Murder• Burglary• Kidnapping• Manslaughter• Rape• Robbery• Sodomy• Unlawful Sexual Penetration
Unclassified:	<ul style="list-style-type: none">• Using Child in Display of Sexually Explicit Conduct• Manufacture or Delivery of Controlled Substances: Schedule I
CLASS B	
First Degree:	<ul style="list-style-type: none">• Abuse of Corpse• Aggravated Theft (\$10,000 or more)• Child Neglect• Custodial Interference• Escape• Sexual Abuse
Second Degree:	<ul style="list-style-type: none">• Assault• Kidnapping• Manslaughter• Rape• Robbery• Sodomy• Unlawful Sexual Penetration

Unclassified:

- Manufacture of a Controlled Substance: Schedule II
- Possession of a Controlled Substance: Schedule I
- Delivery of Marijuana for Consideration
- Driving While Suspended
- Furnish Firearm for Felony
- Unlawful Possession of Firearm (if machine gun, silencer, short-barrel rifle, or short-barrel shotgun)
- Bribery
- Compel Prostitution
- Theft by Extortion
- Hit and Run (resulting in serious physical injury or death)

CLASS C

First Degree:

- Criminal Mischief (damages exceed \$1000)
- Failure to Appear (for felony charge)
- Forgery (if of a check for \$750 or more)
- Theft (\$750 or more)
- Intimidation
- Identity Theft
- Fraudulent Use of Credit Card (\$1000 or more)
- Possession of Child Pornography
- Criminal Mistreatment

Second Degree:

- Arson
- Burglary
- Escape
- Sexual Abuse
- Custodial Interference
- Abuse of Corpse

Third Degree:

- Assault
- Rape
- Robbery
- Sodomy

Unclassified:

- Manufacture or Delivery of Controlled Substances: Schedule III
- Possession of Controlled Substances: Schedule II
- Child Abandonment
- Computer Crime (including Oregon State Lottery)
- Criminal Negligent Homicide
- Driving Under the Influence of Intoxicants (if three prior DUII convictions in past 10 years)
- Riot
- Coercion
- Perjury
- Theft of Services - \$1000 or more
- Unauthorized Use of a Vehicle
- Possession of a Stolen Motor Vehicle
- Unlawful Use of Weapon
- Hit and Run (injury is less than "serious physical injury")

CLASSIFICATION OF MISDEMEANORS

CLASS A

First Degree:

- Animal Abuse
- Criminal Trespass (of a dwelling)
- Sexual Harassment

Second Degree:

- Criminal Mischief (Damages exceed \$500, or intent to damage property)
- Failure to Appear
- Forgery
- Intimidation
- Theft (\$100 to \$1000)
- Child Neglect

Third Degree:

- Sexual Abuse
- Escape

Fourth Degree:

- Assault

Unclassified:

- Animal Fighting
- Possession of a Controlled Substance: Schedule III
- Assaulting a Public Safety Officer (mandatory 14 days in jail)
- Computer Unlawful Access
- Concealing Birth of Infant
- Contributing to the Sexual Delinquency of a Minor
- Criminal Trespass While in Possession of Firearm
- Driving Under the Influence of Intoxicants (if fewer than three DUII convictions in past ten years)

- Driving While Suspended (if suspension is based on Reckless Endangerment, Menacing, or Criminal Mischief resulting from operation of a motor vehicle, refusal to take a breath test or breath test resulting in any amount of blood alcohol content, Perjury, Reckless Driving, or hit and run)
- Failure to Appear (for misdemeanor charge)
- Frequenting Place Where Controlled Substances are Used
- Hit and Run (resulting in property damage, not physical injury)
- Mail Theft
- Menacing
- Possession of a Controlled Substance: Schedule III
- Prostitution
- Public Indecency
- Recklessly Endangering Another Person
- Reckless Burning
- Resisting Arrest
- Theft of Services (\$100 to \$1000)
- Unauthorized Departure
- Unlawful Possession of Fireworks
- Unlawful Purchase of Firearm(s)

CLASS B	
Unclassified:	<ul style="list-style-type: none"> • Carrying Concealed Weapon • Disorderly Conduct • Harassment • Littering within 100 yards of water • Manufacture or Delivery of Controlled Substances: Schedule IV • Tampering with Cable TV Equipment • Telephone Harassment
CLASS C	
Second Degree:	<ul style="list-style-type: none"> • Criminal Trespass
Third Degree:	<ul style="list-style-type: none"> • Criminal Mischief • Theft (under \$100)
Unclassified:	<ul style="list-style-type: none"> • Misrepresentation of Age by Minor • Offensive Littering • Sexual Misconduct • Theft of Services (under \$100) • Possession of Controlled Substances: Schedule IV • Manufacture or Delivery of Controlled Substances: Schedule V

VIOLATIONS

<ul style="list-style-type: none"> • Possession of Controlled Substances: Schedule V • Possession of Marijuana (under one ounce) • Hazing • Purchase or Possession of Liquor (under 21 years of age) • Tobacco Possession by Minor • Most traffic offenses • Driving While Suspended • Hit and Run (injury to domestic animal)
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DECIDING ABOUT A LAWYER

DO YOU NEED A LAWYER?

There are two basic categories of law which involve the average citizen: criminal law and civil law.

Civil Law: Civil law may involve disagreements between two or more persons regarding such things as divorce, personal injury, employment, and violations of civil rights. Civil law may also involve agreements between persons regarding such things as contracts or the purchase of real estate.

If you believe that someone is taking unfair advantage of you or if you are in an emotionally charged legal situation (for example, a serious accident) you will probably want to seek the assistance of a lawyer.

Criminal Law: Criminal law involves activities which are a threat or cause damage to society, to the government, to a person, or to property. Crimes include, but are not limited to: theft, murder, assault, rape, trespass, burglary, vandalism, and arson.

You will need a lawyer if you have been accused of committing a crime, even if you did not commit the crime of which you are accused.

IF YOU NEED A LAWYER, HOW DO YOU FIND ONE?

If you are charged with a criminal offense, ask the court to appoint you a lawyer. You are entitled to a lawyer regardless of whether your parent or guardian can pay. If you wish to bring a civil lawsuit against someone, where to seek legal assistance depends in large part upon your ability or the ability of your parent or guardian to pay for the lawyer's time in representing you. Some lawyers will handle personal injury cases on a contingent fee basis, which means that their fee will be paid out of any settlement or judgment proceeds they secure for you. You will owe the lawyer for any costs advanced on your case, but will not owe him or her fees for time spent on the case unless you prevail or settle. In some situations, a lawyer will work for you at little or no charge. A number for free or inexpensive legal services is listed in the "Resources Section" of this Handbook.

The telephone book lists nearly all the local lawyers in private practice, but does not always indicate the area of law in which the lawyer practices. You can contact the Oregon State Bar Lawyer Referral Service to help you locate a lawyer. See "Resources Section" of this Handbook.

HOW CAN YOU TELL IF YOU HAVE THE RIGHT LAWYER?

There are some things you will want to know from, and about, the lawyer before he or she starts to work on your problem.

- What is the fee? Will you or your parent or guardian be billed by the hour or be charged a flat fee for the service rendered? Do you have to pay a down payment (retainer)? Is this the type of case the lawyer will take on a contingent fee basis?
- Has the lawyer handled similar cases? If yes, ask for information about the results, but realize that each case is different.

RESOURCES

Note: The blue pages in the phone book have phone numbers for additional government agencies and services.

AIDS INFORMATION

Cascade AIDS Project 503-223-5907 M-F: 9:00 a.m.-5:00 p.m.
 620 S.W. 5th, Suite 300, Portland www.cascadeaids.org
 No age requirement. Must be HIV positive to receive services: financial assistance, short-term housing vouchers, emergency rent assistance, rent subsidies, hotlines in English and Spanish, support groups, legal clinic, information and referrals. Call or drop-in.

Oregon AIDS Hotline/Oregon HIV Advocacy Center/Gay Resource Connection 503-223-AIDS(2437); M-F: 9:00 a.m.-6:00 p.m.
 1-800-777-(AIDS)2437; Sat.: Noon - 6:00 p.m.
 Nationwide Spanish language AIDS 1-800-344-SIDA (7432)
 information: AIDS information and resources Orhotline@aol.com
 throughout Oregon.

ALCOHOL & DRUG TREATMENT

Al-Anon/AlaTeen 503-292-1333 M-F: 9:00 a.m.-5:00 p.m.
 1750 S.W. Skyline, Suite 133, Portland Al-Anonportlandoregon.org
 12 step recovery group for teens (12-19 year olds) who are friends and families of alcoholics. There is also a recovery group for 6-12 year olds.

Alcoholics Anonymous/Narcotics Anonymous 503-223-8569 7 days a week; 24 hours a day
 www.portland-AA.org
 1212 SE Division St., Portland
 Crisis line and referrals to A.A. meetings. Serves all ages.

American Lung Association 503-924-4094; M-F: 8:30 a.m.-5:00 p.m.
 9320 S.W. Barbur Blvd., Portland 1-800-LUNG-USA
 www.lungoregon.org
 Advice and counseling; stop smoking programs for smokers of all ages; patient support groups.

CODA (Comprehensive Options for Drug Abusers) 503-239-8400 M-F: 7:00 a.m.-8:00 p.m.
 Walk-in clinic: 1027 E Burnside, Portland
 Walk-in and residential drug and alcohol treatment referral. www.codainc.org

DePaul Youth Services 503-535-1181 7 days a week; 24 hours a day
 4310 NE Killingsworth, Portland www.depaultreatmentcenters.org
 Residential and out-patient treatment for drugs and alcohol, serves kids 12-18 years old. Can self-refer or be referred by agencies. Must have a drug and alcohol assessment. Youth under 14 need guardian's permission to receive day/outpatient treatment. Youth under 16 need guardian's permission for residential/inpatient treatment.

Oregon Council on Alcohol and Drug Abuse Youthline: 877-553-8336 M-F: 1:00 p.m. - 10:00 p.m.
 24 Hour Line:
 1-800-923-4357
 www.orpartnership.org
 Teen peer counseling hotline on alcohol, drugs, and other teen issues.

Tualatin Valley Center 503-645-3581
 14600 NW Cornell Road www.workforceallianceonline.
 Portland, OR 97229 org/tvc

Drug and alcohol counseling; outpatient only. Court referrals for assessments, group information sessions, one-on-one counseling. Sliding rates.

CHANGE/ STREET KIDS/ CASE MANAGEMENT

Council for Prostitution Alternatives/LOTUS 503-282-1082
 1811 N.E. 39th, Portland
 Case management, information and referral.

New Avenues for Youth 1-800-995-7936 or M-F: 8:00 a.m.-5:00 p.m.
 812 S.W. 10th Ave., Portland (Drop-In Center) 503-224-4339 Drop-in:
 www.newavenues.org M-F 12:30 p.m. - 8:30 p.m.
 Case management, education, support groups, shelter referrals, crisis assistance, computer lab, internet access, meals, clothing, laundry, showers, hygiene supplies. Ages 12-18.

Outside In 503-535-3800
 1132 S.W. 13th, Portland www.outsidein.org

Services for homeless youth under 21. Breakfast/lunch, employment resource center, telephone, computer, service coordination, transitional housing, medical clinic, emergency medical housing, recreation and art activities, AIDS prevention, Gay/Lesbian/Bisexual group.

Willamette Bridge/Janus Youth Programs 503-222-2662
 (Provide assistance getting off the streets) www.jyp.org
 Headquarters for the Willamette Bridge Programs
 320 S.W. Stark, Suite 509, Portland

Harry's Mother 503-233-8111 7 days a week; 24 hours a day
 738 NE Davis Street, Portland, OR 97232 (collect calls accepted) day
 www.jyp.org Office hours: M-F:
 9:00 a.m.-9:00 p.m.

Serving youth under 18. 24-hour crisis line; crisis shelter up to two weeks; family mediation; individual and family counseling; case management; providing family respite housing for youth for up to four days to give family members time apart before a runaway situation arises. All services free. Sells a comprehensive guide to Portland-area resources for kids.

Streetlights Youth Shelter AND Porchlight 503-224-5988 7 days a week; 24 hours a day, Reservations taken
 1635 SW Alder St., Portland, OR 97209 3:00 p.m. - 6:00 p.m. daily
 Primarily takes agency reservation to provide beds for kids in case management. Serves 13-20 year olds. No warrants or run reports.

Yellowbrick Road 503-789-4011 6:00 p.m. - 10:00 p.m. nightly
 Recruits kids on the street; links kids with crisis shelter and other resources, including first aid and hygiene.

Bridge House-Changes

503-901-7970

7 days a week; 24 hours a day

Independent living program providing case management and financial assistance to assist youth in successfully transitioning from homelessness to stable housing. Non-adjudicated youth 16-20 who have or are willing to get legal employment sufficient to maintain support independent living. Pregnant and parenting youth eligible. Can access the program directly or through Greenhouse. Must be pursuing education.

CHILD ABUSE**Adult & Family Services Division (AFS)**Multnomah County

North Portland/Alberta	971-673-6800
North Portland/St. Johns	971-673-5500
West Portland/Metro	971-673-2422
West Portland/Old Town	971-673-1400
Northeast Portland	971-673-1800
East Portland	971-673-2100
Southeast Portland	971-673-2135
Gresham	503-491-1979
Teen Parent Line	971-673-2552
TTY (Hearing Impaired)	503-780-6732

Clackamas County

Milwaukie	503-731-3400
Oregon City	971-673-7200

Washington County

Beaverton	503-681-6917
Hillsboro	503-648-8951
Tigard	503-670-9711

Child Welfare Hotline for Multnomah County

503-731-3100

7 days a week; 24 hours a day

Hotline reporting of abuse and neglect; referral.

Child Help USA National Child Abuse Hotline www.childhelp.org

1-800-422-4453

Parents Anonymous

503-258-4557

7:00 a.m.-11:00 p.m. daily

<http://www.morrisonkids.org/programs/ParentsAnonymous1108.aspx>

Provides emotional support, crisis intervention, referrals, and support groups. Multi-lingual.

COUNSELING**Portland EI Programa Hispano**

503-669-8350

M-W: 9:00 a.m.-5:00 p.m.
Th: Appointment Only

138 NW 3rd St. Suite 140, Gresham
503-669-8350

Counseling, domestic violence information, housing, immigration, health issues. Hispanic gang specialist on staff. School retention program, gangs outreach program, case management through Youth Investment System, summer recreational activities, leadership skill building.

Multnomah County Crisis Line

503-988-4888

7 days/week; 24 hours/day

Mental health crisis line; referrals; emergency psychiatric services.

Morrison Center

Central intake: 503-225-6499 M-F: 9:00 a.m.-4:30 p.m.
www.morrisonkids.org

Individual, family and group therapy. Consultation and counseling for children with emotional or behavioral difficulties. Specialize in area of child abuse, family/child assessment, treatment of families and attention deficit hyperactive disorder. Children 14 years and up do not need parent’s consent. Must live in Multnomah County. Services are for individuals under 21. Services available at various locations in Portland.

Parry Center Counseling

888-333-6177 M-F: 8:30 a.m.-5:00 p.m.
www.trilliumfamily.org

3415 SE Powell Blvd
Portland

Outpatient services for children of all ages and their families. Support groups, individual family, and group counseling (children and parents). Family support, in-home services, skill building, psychiatric evaluation, and medication management. Information and referral. Youth ages 5-12.

Sexual Minority Youth Resource Center (SMYRC)

503-872-9664 M-F: 8:30 a.m.-5:30 p.m.
www.smyrc.org

3024 NE MLK Jr. Blvd
Portland, OR 97212

Individual, family, couple and group mental health counseling for sexual minority clients and their families. Information, resources and referral. Youth support groups, HIV and addiction counseling and outreach. Individuals under 18 must have parent/guardian sign consent for psychotherapy. Youth groups are on a drop-in basis and do not require consent.

YWCA

503-294-7400
www.ywca-pdx.org

1111 S.W. 10th, Portland

For males, females, and couples 18 or older. Crisis intervention and information referral; counseling center.

COURTS

Clackamas County Court:

Civil 503-655-8447
Juvenile Court 503-655-8342
Family Court Service 503-655-8415
Criminal 503-655-8643
Small Claims 503-655-8446

Clackamas County (Located in Oregon City)

District Attorney Office 503-655-8431

Multnomah County Court:

Civil 503-988-3022
Juvenile Court 503-988-3460
Domestic Relations 503-988-3943
Criminal 503-988-3235
Civil Small Claims 503-988-3022

Multnomah County (Located in Portland)

District Attorney Office 503-988-3162
Multnomah Public Defender Office 503-226-3083 Traffic and DUII only; ask for lawyer on duty.
Metropolitan Public Defender 503-225-9100, local
All except DUII and traffic; ask for lawyer on duty.

Washington County Court:

Civil 503-846-8888
Juvenile Department 503-846-8861

General Taped Info. 503-846-6600

Washington County (Located in Hillsboro)

District Attorney Office 503-846-8671
Public Defender Office 503-640-3413

EDUCATION

Center for Self Enhancement, Inc. 503-249-1721 M-F: 8:30 a.m.-7:00 p.m.
Northeast Community and Family Center www.selfenhancement.org
3920 N Kerby, Portland
Multnomah County Diversion Program, Hispanic Outreach, Common Bond child care after-school program, Youth Investment Level 7 Services, Access office – information and services referral. Must be under 19. Some programs have specific requirements.

Community Transitional School 503-249-8582 9:00 a.m.-7:00 p.m.
6601 NE Killingsworth St. Portland ctschool@comcast.net
School for homeless children, will pick children up from shelters. Parent can bring student to school to enroll or get registration from shelter. Serves breakfast, lunch and afternoon snack.

Job Corps Center, Partners in Vocational Opportunity (PIVOT) 503-274-7343
1800-733-JOBS
2701 NW Vaughn St. Suite 151 Portland
GED or high school diploma programs, vocational training in several occupations, job placement, ACT program for college training, driver's education, ESL classes, and parents' programs including on-site day care. This is a long-term, primarily residential program lasting 6 months to 2 years. Must be 16-24 years of age and low income. No age limit if disabled.

Oregon Outreach/McCoy Academy 503-281-9597 M-F: 9:00 a.m.-5:00 p.m.
3802 N.E. Martin Luther King, Portland
Junior high and high school programs for youths ages 11-21. Teen parent program, on-site alcohol and drug treatment available for high school students.

Portland OIC/Rosemary Anderson High School 503-797-7222 M-F: 8:00 a.m.-4:00 p.m.
www.rosemaryanderson.org School hours:
717 N. Killingsworth Ct., Portland M-F: 8:30 a.m.-3:00 p.m.
Accredited alternative middle school and high school (6-12 grades), GED and vocational training. For ages 12-21.

Volunteer Literacy Tutoring Program 503-788-6255 M-F: 9:00 a.m.-2:00 p.m.
Portland Community College, Adult Skills
Division 12000 S.W. 49th Ave., Portland
Individual tutoring in ESL, GED tutor, basic literacy, and basic math for students who are unable to attend regularly scheduled free classes. Must be 18 years or older.

Youth Employment Institute 503-280-1058 M-F: 8:00 a.m.-5:00 p.m.
1704 N.E. 26th (at Broadway), Portland www.yei.org
GED, vocational training, resume, job search skills and job placement. Must be between the ages of 16 and 21. Look under EMPLOYMENT for additional YEI programs.

EMERGENCY SHELTER

Boys and Girls Aid Society
018 S.W. Boundary Court, Portland

503-222-9661;
1-877-932-2734
www.boysandgirlsaid.org

8:30 a.m.-5:00 p.m.
7 days/week; 24 hours a day
for counselor or talk lines

Programs for child abuse victims, runaways, delinquents, emotionally disturbed youths and pregnant and parenting teens and adoptive families. Family counseling for youth, 24 toll free talk lines regarding sexual issues and options for young pregnant women.

Bradley-Angle House
P.O. Box 14694, Portland

Crisis Line: 503-281-2442
www.bradleyangle.org 24 hours a day

Domestic violence shelter for women over 18 (or under 18 with a child), crisis counseling, information and referral, support groups for women and teen females involved in domestic or dating violence. Help with transitional housing once at shelter or participating in support group.

Catholic Charities
www.catholiccharitiesoregon.org
2740 SE Powell Blvd., Portland

503-231-4866
info@catholiccharitiesoregon.com

Catholic Charities brings hope, resources, and advocacy to the poor and most vulnerable among us regardless of faith, race, marital status, or condition of life. A variety of programs and resources are available. (LGBTQ Services: 503-595-9591/ Project Unica – Spanish Speaking Crisis Line: 503-232-4448)

Porchlight Emergency Youth Shelter
1635 SW Alder St., Portland

503-224-5988

Daily: 8:45 p.m. - 8:30 a.m.

Drop in short term emergency shelter for youth ages 13-20.

Friendly House Community Service
2617 NW Saver St

503-228-4335

Shelter/temporary housing for homeless families . . . 503-228-4335
After School Program, pre-school program, community center . . . 503-228-4391

Volunteers of America Family Center

www.voao.org
Helps survivors of domestic violence access their own housing and assists them in staying there, safely and independently.

Domestic Violence
Intervention Hotline:
503-771-5503

Outreach available 24 hours

Raphael House of Portland<http://raphaelhouse.com/>

503-222-6222

Domestic Violence agency dedicated to ending intimate partner violence. Serves individuals and families of all backgrounds, cultures, ages, and sexual orientation. Emergency shelter and advocacy center, youth programs, transitional housing programs available.

Yellow Brick Road**www.yellowbrickroadoutreach.blogspot.com** 503-789-4011

Street outreach services and emergency shelter in Portland's downtown Homeless Youth Consortium.

Winter Shelter Access Line

503-721-1500

Refers homeless families with children or pregnant women for up to 30 days; must accept case management services. Must be Multnomah county residents. No children 17 & under without family unless emancipated minor. Three winter shelter locations:

Goose Hollow (18th and Jefferson downtown Portland) -- must call before 7 p.m. and arrive at the shelter before 8 p.m.

Door of Hope (30 S.W. 2nd, Portland) – accepts admissions 24 hours/day. Men stay separate from women.

Common Cup (Sunnyside Church, 35th and Yamhill, Portland) – must call before 7 p.m. and arrive at the shelter before 8 p.m.

Common Cup (Sunnyside Church, 35th & Yamhill Portland) – must call before 7 pm and arrive at the shelter before 8 pm.

EMPLOYMENT**Portland Office of Oregon Bureau of Labor & Industries, Wage & Hour Division**

503-971-0761

M-F: 8:00 a.m.-5:00 p.m.

www.boli.state.or.us

800 N.E. Oregon, Portland

Provides information on Wage Rate law, Annual Employment Certificate for Minors, Employment Discrimination, Licensing for Farm Labor Contractors, Work permits, etc.

State of Oregon Employment Department

1-800-237-3710

M-F: 8 a.m.-5 p.m.

www.employment.oregon.gov

Unemployment and job assistance. Summer youth job referrals for full and part time work.

Outside In Employment Resource Center

Day Program for Youthline:

M-F: 9:30 a.m.-2:00 p.m.

1132 S.W. 13th, Portland

503-535-3800

Pre-employment program for youth 17-21 to increase work readiness, obtain and retain employment, GED and college preparation.

Portland Impact

503-988-6000

SE Family and Youth Service Center

10055 E Burnside St., Portland

Pre-employment skills, help with job applications and resumes, preparation for interviews, job search. Serves youths up to age 21.

Project Yes – Mount Hood Community College

503-491-7641

M-F: 8:00 a.m.-5:00 p.m

26000 SE Stark, Gresham

GED and Job Readiness Classes: GED training and testing, pre-employment training, work experience, job placement, support services. Provides bus tickets to and from. Serves low-income youth in Multnomah County, ages 16-21, who have dropped out of school. Need documented proof of residency such as birth certificate (shelter OK).

Social Security Administration

1-800-772-1213, toll-free (bilingual), press three for locations
(Also see phone book or website for locations)
www.ssa.gov

Information on obtaining a Social Security card, Social security benefits etc.

Youth Employment Institute

503-280-1058
www.yei.org

M-F: 8:00 a.m.-5:00 p.m.

1704 N.E. 26th (at Broadway), Portland

GED preparation and testing, vocational training, resume, work readiness program, on site day care and teen parenting program, job search skills, some job placements and referrals. Ages 16-21; summer work experience program for 14-16 year olds who are in school. Providing case management; help with job search. Offers a work experience program with stipend. Career room with computers. Serves primarily low-income individuals.

GANGS

House of Umoja

503-282-3296

4941 NE 17th Ave., Portland

Residential program, outreach, daily group sessions, social activities for at-risk African-American males ages 11-15.

Portland Youth Redirection/Emanuel Community Services

503-281-0355

M-F: 8:00 a.m.-5:00 p.m.

1033 N Webster St. Portland

Programs for gang-affected youth, age 13-18. Individual and group counseling activities, support for school and court involvement. Also Embrace program for adults on parole.

Youth Gangs Taskforce

503-823-4575

M-F: 9:00 a.m.-5:00 p.m.

N.E. Neighborhoods Office

King Neighborhood Facility

4815 N.E. 7th (between Prescott & Alberta),

Portland

Information, rumor control. Confidential sharing of information on gangs and their operation.

GENERAL INFORMATION

Oregon Vital Records

971-673-1190

Vital Records, P.O. Box 14050 Portland, Oregon 97293

Information on how to get a certified copy of birth certificates, death certificates, marriage and divorce records, minor name corrections, addition of names.

Department of Transportation

Driver and Motor Vehicle Services

503-299-9999

Hours vary by location. Call for specific hours for each facility.

Secretary of State 1-503-986-1500
Information on voting. Contact local county offices to register to vote.

Selective Service 1-847-688-6888
www.sss.gov Information also available at any United States Post Office.

Information on selective service registration, proof of registration and notification of change of address. Applies to all male U.S. citizens and male aliens residing in the U.S.

Selective Service National Headquarters:
Arlington, VA 22209 1-703-605-4100 M-F: 8:00 a.m.-4:30 p.m.
EST

To obtain copies of news releases, brochures, annual reports, fact sheets or other informational materials about the Selective Service.

Social Security Administration 1-800-772-1213 (bilingual)
(see phone book or
www.ssa.gov for locations)

HEALTH-RELATED ISSUES

Multnomah County Health Department Information & Referral 503-823-4000 M-F: 8:00 a.m.-5:00 p.m.

Referral to clinics and community health resources for medical care. Dental referrals for low income. Information on medical assistance, food stamps, and general assistance.

Oregon SafeNet—State's Maternal and Child Health Information Line 1-800-723-3638 M-F: 8:00 a.m.-5:00 p.m.

Makes referrals for women and children's health issues, routine and urgent medical care, immunization, WIC, pregnancy and family planning, testing for sexually transmitted diseases, food stamps, etc.

Outside In 503-535-3800 Clinic open for appointments
1132 S.W. 13th, Portland www.outsidein.org T-F: 9:00 a.m.-6:00 p.m.

Walk in clinic free to homeless youth under 21, sliding scale for all others, low cost medication & lab tests, no insurance billing. Naturopathic, medical and acupuncture care available as well as chiropractic and dental services. Call for appointment. Walk-ins also available.

Planned Parenthood of the Columbia/Willamette—Clinics www.plannedparenthood.org/ppcw (Call for individual clinic hours and addresses)
Reproductive health care and family planning services for men and women; charges on sliding scale.

Poison Control Center Available 24 hours

503-775-4931 or 1-800-222-1222

First aid information for poisonings and toxic substances. Referral for treatment.

Multnomah County Sexually Transmitted Disease Clinic 503-988-5020

426 S.W. Stark, 4th Floor

Confidential family planning services for adolescents; STD screening and treatment; HIV screening and treatment. All charges on sliding scale. By appointment and walk-ins accepted.

IMMIGRATION

**Centro De Servicios, Para Campesinos
Northwest Treeplanters and Farmworkers
United (PCUN), Farmworker Service Center** 503-982-0243
www.pcun.org
Farmworkerunion@pcun.org
300 Young Street, Woodburn, OR 97071
Helps with family visa cases for PCUN union members. Also provides income tax orientation and assistance, basic legal information and referral, advocacy on consumer and government agency matters for union members.

Immigration Counseling Service 503-221-1689 Call for appointment
519 SW Park Ave, Suite 610 Portland
Family visa cases, deportation defense, assists victims of domestic violence who have been abused by a U.S. citizen or permanent resident spouse in obtaining lawful immigration status in the U.S.

Lutheran Community Services Northwest 503-231-7480 M-Th: 8:30 a.m.-5:00 p.m.
www.lcsnw.org F: 8:30 a.m.-4:30 p.m.
605 S.E. 39th, Portland, OR 97214
Mental health counseling and refugee services.

LEGAL

American Civil Liberties Union (ACLU) of Oregon 503-227-3186
www.aclu-or.org
Defends individual civil rights by lobbying at the state level on various issues. No legal advice is given; however, information and referrals are available.

Civil Rights Division 971-673-0764 M-F: 8:00 a.m.-5:00 p.m.
(Oregon Bureau of Labor and Industries) www.oregon.gov/BOLI/CRD
800 NE Oregon Street, Suite 1045, Portland
Investigates and mediates discrimination complaints in employment, housing, public accommodations & career schools. Incident must occur in Oregon. Handles discrimination on basis of race, religion, sex, age, disability.

Clackamas County District Attorney Office 503-655-8431
807 Main Street, Oregon City

Clackamas County Indigent Defense 503-655-8679 Appoints defense attorneys
(Located in Oregon City) for indigent clients.

Multnomah County District Attorney Office 503-988-3162
(Located in Portland) www.co.multnomah.or.us/da

Multnomah Defenders Inc. 503-226-3083
522 SW 5th St., Portland
Handles misdemeanors and juvenile cases, including DUI; ask for lawyer on duty

Metropolitan Public Defender 503-225-9100 (local) Handles mostly felonies—All
503-326-2123 (federal) except DUII and traffic; ask
for lawyer on duty

Washington County District Attorney Office 503-846-8671
(Located in Hillsboro)

Fair Housing Council of Oregon 503-223-8197
Outreach, education and enforcement in the area of housing discrimination. Tests for discrimination, refers to attorneys or files complaints in its name on your behalf. Must live in Oregon or Clark County, Washington.

Juvenile Rights Project 1-866-608-1212 M-F: 8:30 a.m.-5:00 p.m.
(closed noon-1:00)
Staffed by court-appointed attorneys—handle delinquency and dependency matters for youth. Legal advice line and referrals.

Lewis and Clark Legal Clinic 503-768-6500
310 SW 4th Ave., Suite 1018, Portland
Help with Chapter 7 bankruptcy, IRS tax issues, restraining orders, custody, landlord/tenant, unemployment compensation. May handle some other matters—call for information.

Lawyer Referral & Information Service 1-800-452-7636
Oregon State Bar, 16037 SW Upper Boones Ferry Rd, Tigard 503-620-3000
Referral to lawyers. Problem-solvers program for youth ages 11-17.

Metropolitan Human Rights Center 503-823-5136 M-F: 8:00 a.m.-5:00 p.m.
1120 SW 5th Ave., Portland
Monitors and documents discrimination complaints in housing, employment, education, public accommodation, and the criminal justice system. Information and referral. Extensive database with lots of information on youth services, specific agencies, categories or services.

Multnomah County Legal Aid Services 503-224-4094 M-F: 9:00 a.m.-5:00 p.m.
700 SW Taylor, Suite 300, Portland
Legal representation in family law, landlord, tenant and public benefits/welfare cases. Must live in Multnomah County or have case pending in county. No juvenile cases. Must be below the federal poverty line.

Disability Rights Oregon 503-243-2081 M-F: 9:00 a.m.-12:00 p.m.
620 S.W. Fifth #500 www.disabilityrightsoregon.org 1:00 p.m.-5:00 p.m.
Representations for low-income individuals with disabilities in situations directly related to their disability.

Oregon Law Center (OLC) 1-800-898-5594;
921 SW Washington, Suite 516, Portland 503-295-2760
Information and referrals for immigration issues.

Outside In 503-535-3800
1132 S.W. 13th, Portland www.outsidein.org

Volunteer lawyers assist homeless youth on legal matters. Call for hours.

Tel-Law (4 languages) 503-684-3763
1-800-452-7636
www.osbar.org
Taped messages on legal issues, lawyer referral, family law, business law, bankruptcy, consumer law, courts, criminal law, employment, insurance, estate law, teens and other issues.

Victims Assistance Multnomah County 503-988-3222
1021 SW 4th Ave., Room 804, Portland
Assists victims of crimes with short-term crisis intervention, agency referral, property return and status of investigation, information, accompanies victims to court, advocates provide support for victims of sexual assault, gang violence, hate crimes and domestic violence.

Legal Aid Services of Oregon Public Benefits 1-800-520-5292

Hotline (bilingual)

Advice, negotiation assistance and flyers regarding welfare rights, food stamps, Medicaid and child support through adult and family services. Self help newsletter. Legal representation on welfare or child support issues.

YOUTH SERVICE CENTERS

Oregon Youth Authority

(503) 373-7205

530 Center Street NE, Suite 200, Salem

Provides comprehensive reformation programs for youth offenders and at risk youth, including Work/Study camps which continue treatment after release from secure juvenile offender facilities, education and opportunities to work on community service projects and psychiatric or psychological evaluations and treatment.

Janus Youth Programs

(<http://www.janusyouth.org/>)

503-233-6090

707 NE Couch St., Portland

From residential treatment programs, the Northwest's largest array of runaway and homeless youth services, alternative education classrooms, a detention program, a teen parenting program, a college scholarship program, and a 85,000 square foot urban agriculture program addressing hunger and employment issues, Janus is committed to delivering innovative community-based programs.

GLOSSARY

Adjudicate in Juvenile Court - Trial to determine whether one is guilty or not guilty of the charges contained in a petition.

Allege - To declare to be true; to assert a fact.

Amend - To change an existing law or a legal document.

Arrest - Place a person under restraint (actual or constructive) or to take person into custody for purposes of charging that person with an offense. A "stop" is not an arrest. An "arrest" can be made by a police officer (with or without a warrant), a federal officer, or a private person.

Bail - Money exchanged for the release of a person from jail to insure the person appears at trial. Not available in juvenile court.

Ballot Measure 11 - A sentencing law providing for very long minimum prison sentences for certain crimes. It applies to persons age 15 and older.

Beyond a reasonable doubt - In order to find a person guilty of a delinquent act, the state (district attorney) must show evidence that makes a judge or jury almost absolutely certain that the person did what she or he is accused of doing. Merely believing that it is more likely than not that the person is guilty is not enough.

Charge - A formal statement accusing a person of committing a specific offense.

Consent - Voluntary agreement; permission.

Controlled Substance - Drugs which are strictly regulated and classified.

Conviction - The finding by a judge or jury that an adult is guilty of a crime.

Correction - Associated with a process that provides punishment, supervision, and/or rehabilitation of convicted offenders.

Counselor - Someone who advises or guides.

Crime - An act which is against the law - And for which imprisonment (detention) can be imposed upon conviction.

Cross-examination - A lawyer's questioning of a witness by a party or lawyer other than the one who called the witness.

Custody - (a) The right or duty of caring for or guarding a juvenile; (b) the state of being detained, restrained, or held under guard, most often by the police pursuant to an arrest or court order. Custody does not include detention in a correctional facility, juvenile facility, or a state hospital.

Damages - Injury or loss caused to property or person; also money awarded to someone who has been injured by the action of another.

Delinquency - Conduct by a juvenile which violates a criminal law.

Deliver - Actual, constructive, or attempted transfer (other than by administering or dispensing) from one person to another of a controlled substance.

Deviate - Sexual Intercourse, sexual conduct between persons consisting of contact with the sex organs of one person and mouth or anus of another.

Direct-examination - The initial questioning of a witness by the party who called the witness.

Disposition - A decision made by the juvenile court which directs a course of action for someone; a sentence from the juvenile court.

Diversion - The directing of a case away from the juvenile court to a non-judicial community resource, such as a counseling program.

Drug (illegal) - A chemical substance which is obtained without a valid prescription.

Due process of law - Procedures that the state (judge, district attorney, school) must follow when it decides to punish you or take something away from you; designed to make sure the decision is a fair one.

Emancipation - A process spelled out by state law, by which a juvenile can obtain most of the rights and responsibilities of an adult.

Evidence - Any statements, testimony of witnesses, documents, or objects used in a court to help decide the truth of a matter.

Expelled - Dismissed from school by a school official for a period of time longer than 10 days.

Expunge - To destroy or seal a juvenile court or criminal record.

Felony - A criminal offense for which a person may be incarcerated for more than a year. See the "Criminal Laws and Punishments Section" and the Charts at the end of that section.

Frisk - Patting of a person's outer clothing.

Guardian - A person legally appointed by the court as a guardian of a minor.

Habeas Corpus - A legal procedure by which a prisoner is brought before a court to determine the legality of his or her detention.

Hearing - A proceeding in which a judge, referee, government official, or school official hears evidence for the purpose of determining an issue of fact and reaching a decision.

Inalienable right - A fundamental right which cannot be legally taken away without a person's consent.

Incarcerate - To place in secure custody, like a prison, jail, or training school.

Indigent - A poor person.

Intentional or with intent - Acting with knowledge and desire to cause the result or engage in the conduct described by the statute.

Judicial - Related to a court of justice, any proceeding in that court, or to a judge.

Jurisdiction - The authority or power of a court.

Juvenile - A person under the age of 18.

Knowingly or with knowledge - Means a person acts with an awareness of his or her conduct.

Lawyer - A person who has been licensed by the Oregon State Bar to practice law.

Manufacture - The production, preparation, propagation, compounding, conversion, or processing of a controlled substance either from extraction from natural substances, by means of a chemical process, or a combination of the two: including packaging, repackaging, labeling or re-labeling its container.

Minor - An unmarried juvenile; generally used interchangeably with juvenile.

Misdemeanor - A less serious offense than a felony. See the "Criminal Law and Punishments Section" and the Charts at the end of that section.

Oath - A promise to tell the truth in court. Telling a lie in court is a crime called perjury.

ORS (Oregon Revised Statutes) - The laws of the State of Oregon (available in all public libraries).

Offense - An act or conduct committed or engaged in that is in violation of the law.

Ordinance - A law of a city or a county.

Parole - The release of an offender from a jail or prison before the sentence is up, on the condition of good behavior.

Party - The legal term refers to any person taking part in a particular proceeding or process.

Petition - A document filed in juvenile court asking the court to assume jurisdiction over a juvenile because she or he is delinquent, a status offender, or a dependent child.

Possession - Having, holding, owning, or having within your reach.

Privileged information - The law allows private personal communication with certain types of persons (such as doctors, lawyers or ministers) to be kept secret.

Probable Cause - The standard used by police and judges in determining the legality of an arrest or search; good reason to believe that, more likely than not, a crime has been committed and that the person who was arrested or searched was the one who committed it.

Proceedings - Formal meetings or activities of an established organization, such as a court, school, or government agency.

Prosecution - Charging someone with breaking the law. The district attorney is the prosecuting attorney for the State.

Public Assistance Aid - Usually money, given to poor persons by the government.

Reasonable Cause - Less sure than probable cause but more than just a guess or hunch, considering all the circumstances.

Recklessly - A person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur.

Referee - A person designated by a juvenile court judge to carry out a judicial function, such as conducting a hearing.

Rehabilitation - The process of helping an individual who has broken the law to learn more acceptable ways of behaving.

Remand - To transfer a juvenile case to adult court.

Repeal - To do away with an existing law.

Restitution - The act of paying someone back for a loss or injury, with money or working off the debt.

Rights - Legal claims; for example: The U.S. Constitution guarantees that all persons in the U.S. may speak freely, thus you have a right to free speech. These rights are not absolute.

Sexual Intercourse - In criminal law, it occurs upon any penetration of the penis into the vagina, however slight; ejaculation is not required.

Shelter care - A home or community facility which provides temporary care for young persons.

State Office of Services for Children & Families (DHS) - A state agency whose duty is to protect children.

Status Offense - An act or conduct which is only an offense when done by a juvenile, for example, running away.

Stop - Temporary restraint of a person's liberty by a peace officer lawfully present.

Subpoena - A written order requiring a person to appear in court to testify under oath.

Sue - To bring a legal action (lawsuit) against somebody.

Suspend (from school) - To temporarily expel from school for up to ten school days.

Testify - To make a statement under oath in a court of law.

Truant - Absent from school without excuse.

Violation - An offense punishable only by a fine. See the "Criminal Law and Punishments Section" and the Charts at the end of the section.

Waive - To give up or forego a right by free choice.

Weapon - Any object capable of causing injury to a person.

Witness - Someone who has seen or heard something; someone who testifies