



Provided for the public by the Hennepin County Bar Association

Practical Information for Minnesotans

To the reader:

It is important for people of all ages to have a basic understanding of the law. The law touches each of our lives every day. Issues of many types arise including: protecting rights and establishing responsibilities, governing civic rights, protecting public safety, and regulating responsibilities between people (including parents and children, students and teachers, landlords and tenants, and employers and employees). How the law touches our lives changes as life circumstances change, and particularly at the age of 18 when we become adults in the eyes of the law.

In all states a person is considered to be an adult at the age of 18 – also known as the “age of majority.” At this age, one’s responsibilities under the law are significantly changed; although you gain new rights, you also have new duties and responsibilities.

While every effort has been made to provide useful and accurate information on a wide variety of legal matters, we remind you that this information should be used for a general understanding of the law and not as definitive advice for a specific legal matter you may be facing. Many laws have exceptions or limitations that are based on various factors. A booklet such as this cannot detail all of those possible differences in the application of laws. If you have a specific legal problem, you are encouraged to discuss your situation with a lawyer. If you need help finding a lawyer, you may call a bar association sponsored lawyer referral service or other legal resource listed at the back of this booklet.

The first edition of this booklet was published by the Community Relations Committee of the Hennepin County Bar Association over two decades ago. Many volunteers have contributed to its original development and its multiple revisions. Thanks again to the following volunteer lawyers who reviewed and revised this edition to make sure the information is clear and up-to-date: Jeremy Alm, Landon Ascherman, Lisa Colburn, Anne Correia, Dana Gilman, Ruta Johnsen, Nicole Kettwick, Cody Krieg, Joshua Laabs, Jessica Lindstrom, Inti Martínez-Alemán, Cassie Navarro, Tina Roberts, Sarah Roeder, Nancy Sims, Julie Velazquez, Stephanie Willing, Mike Vraa, and Andrew Wold. We thank them for sharing their time and expertise. HCBA’s communications staff managed the layout and edited the text for style consistency. Artwork was provided by Stephanie Thoe. Thomson Reuters generously donated the printing of the booklets.

New Lawyers Section - Legal Stuff Update Committee

Hennepin County Bar Association

Stu Nostdahl, New Lawyers Section Chair 2016-17

Inti Martínez-Alemán, Legal Stuff Update Committee Chair 2016-17

# Table of Contents

<b>The Law and Legal Stuff</b> .....	2	<b>Healthcare</b> .....	20
<b>The Law and You</b> .....	3	<b>Rental Housing</b> .....	22
<i>Working with Lawyers</i> .....	3	<b>Automobiles and Driving</b> .....	25
<i>Minnesota’s Court System</i> .....	4	<b>Criminal Law</b> .....	31
<i>Emancipation of Minors</i> .....	5	<i>Crime and Punishment</i> .....	31
<b>Civic Rights and Responsibilities</b> .....	6	<i>The Criminal Court System</i> .....	31
<i>Voting</i> .....	6	<i>Juvenile Court</i> .....	32
<i>Military Service</i> .....	7	<i>Interacting with the Police</i> .....	33
<i>Jury Duty</i> .....	8	<i>Alcohol and Other Drugs</i> .....	36
<i>Income Tax</i> .....	8	<i>Sex and the Law</i> .....	37
<b>Education</b> .....	9	<b>Marriage and Family</b> .....	39
<b>Employment</b> .....	10	<i>Marriage</i> .....	39
<b>Sexual Harassment</b> .....	13	<i>Domestic Abuse</i> .....	40
<b>Banking and Consumer Rights</b> .....	15	<i>Divorce</i> .....	40
<i>Bank Accounts</i> .....	15	<b>Immigration</b> .....	42
<i>Credit Cards</i> .....	15	<b>Copyright</b> .....	43
<i>Purchases</i> .....	16	<b>Legal Resources</b> .....	44
<i>Loans</i> .....	18	<b>Educational Resources</b> .....	45
<i>Bills</i> .....	18	<b>Legal Terms</b> .....	47

# The Law & Legal Stuff

Laws are the rules by which community members interact with each other, rules that extend to almost all areas of daily life. These can be as simple as the need to stop at a stop sign when driving; the enforcement of agreements (contracts) when individuals pledge to do something, such as renting an apartment or purchasing a car; or very complex aspects such as how the electric company goes about raising the rates it charges customers. Rules/laws may be federal laws, state laws, or local laws within a city, such as curfews.

There are different entities that play a major role around these rules of living. The legislature has the primary responsibility to actually develop state laws; new rules become law when the legislature passes them and the governor signs them.

The police function to enforce behavior around the rules that define criminal behavior. When the police arrest an individual for breaking the law, a county or city attorney will then have the responsibility of prosecuting the suspect before the courts. The courts and judiciary formally make the judgment of whether the rules have been broken, and what the

punishment will be. In the criminal courtroom, prosecutors try to convince the judge or jury of their position, while defense attorneys represent the position of the defendant, arguing that the individual did not break the rules, or that there were circumstances that might justify the defendant's actions. In a civil case rather than a criminal case, the "prosecutor" is called a plaintiff. This is the person who pursues a claim against the individual, called the defendant. Lawyers may represent the plaintiff or the defendant, but not all plaintiffs and defendants are represented by attorneys. Representing oneself in court is acting pro se.

But much of what involves the law takes place outside of a courtroom; in fact, most lawyers seldom or never enter a courtroom. Their work may help prevent disputes in the future by writing agreements between individuals or businesses precisely, or by helping individuals prepare for how they would like to disburse their assets when they die. Lawyers also work to solve disputes before they ever get before a judge in a courtroom. Disputes may also be worked out through arbitration or mediation rather than in court.

*There will be times in most people's lives when they will need, or should have, legal advice. Explanations of the law, such as this booklet, can only give general answers to legal questions, and the specifics of a situation can make a lot of difference in seeking a legal solution. While every effort has been made to provide useful and accurate information in a wide variety of legal matters, we remind you that this information should be used for a general understanding of the law and not as a definite guide to a specific legal matter you may be facing. Having a lawyer who is experienced in your area of concern review your situation with you and give you specific advice is always most helpful.*

# The Law & You

## WORKING WITH LAWYERS

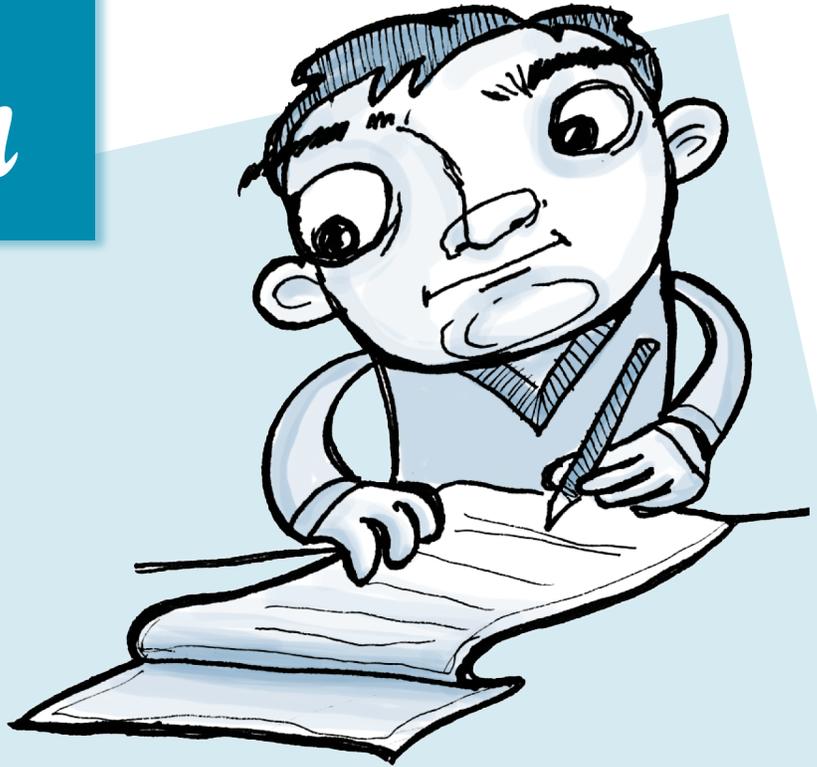
### When do I need a lawyer?

While you are never required to be represented by a lawyer when you appear in court, you may decide that it is your best interest to be represented by a knowledgeable lawyer. Frequently, you may also need a lawyer even if you are not involved in an actual court proceeding. In fact, sooner or later, almost everyone needs to see a lawyer. Good legal advice is one of the greatest preventive measures a lawyer can provide. Common situations where you should consider consulting an attorney include:

- before signing a contract involving a significant amount of money and/or obligation on your part
- when writing a will, especially if minor children or significant assets are involved
- if you anticipate changes in your family status such as a divorce or an adoption
- if you are arrested or charged with a crime
- if you are involved in an accident involving injuries or significant property damage
- if you are the subject of a juvenile court proceeding
- if you are having problems with unpaid bills or bill collectors
- if you are not sure if your problem has a legal solution.

### How do I find a lawyer?

To hire a lawyer, many seek advice from a family member or friend who may have used a lawyer before. You can contact your local or state bar association for assistance in finding an attorney. You may also search online for a lawyer. You should make your choice of lawyer with care.



### What training does one need to be a lawyer?

In general, lawyers are required to complete a four-year college degree before being admitted to law school. No particular major or minor is required while attending college, but development of analytical thinking is especially valuable for law school. Law school traditionally consists of three years of full-time study.

After completing law school, prospective lawyers must take and pass their state's bar exam. In most states, including Minnesota, the bar exam is a rigorous two-day test of legal knowledge and its application. Successful examinees who also meet their jurisdiction's standards for character and fitness to practice law are then sworn in to the "bar." In Minnesota, this is done by the Minnesota Supreme Court during a formal ceremony.

Minnesota is home to three law schools, all located within the Twin Cities metropolitan area. They are: University of Minnesota, Mitchell Hamline School of Law, and the University of St. Thomas. All are accredited by the American Bar Association and maintain websites for prospective applicants to research their programs.

*In the metropolitan area, you can contact the Hennepin County Bar Association's Lawyer Referral and Information Service at (612) 752-6666, or the Ramsey County Bar Association's Attorney Referral Service at (651) 224-1775. You may also search online, in listings of lawyers such as at the Minnesota State Bar Association's "Find a Lawyer" website ([www.mnfindalawyer.com](http://www.mnfindalawyer.com)) or by responding to marketing materials from attorneys. If you cannot afford to hire an attorney, you can find the contact information for your local legal aid office or another nonprofit legal service provider at [www.lawhelpmn.org](http://www.lawhelpmn.org).*

### How are lawyers paid?

Unless you qualify for some form of free (pro bono) or reduced-rate (low bono) legal assistance, you will most likely have to pay for the legal services provided by an attorney. The financial arrangement is an extremely important consideration in selecting an attorney and something you should discuss with the attorney at your first meeting.

Depending on the area of law involved and the practices of the particular attorney, you may be charged:

- on an hourly basis
- a flat fee for the particular service (such as preparing a will)
- on a contingency basis (where you pay the attorney a certain percentage of any recovery obtained by the attorney)
- a combination of these methods.

If you believe you qualify for free or reduced help, please refer to the legal resource section at the back of the book.

In addition to the lawyer's fees there may be a variety of additional costs, including court fees. Be sure you understand exactly how you will be charged. Find out whether you must pay the bill in full each month, whether interest will be charged on outstanding balances, and what services and how much you will be charged for separately (such as telephone calls, copying charges, expert witness fees, etc.). It is critical that you obtain all of this information, preferably in writing, before you decide to hire the attorney.

### Additional general legal help and information.

At the end of this booklet is a list of various legal resources in our community. There is considerable help available online. There is also a glossary of legal terms to help you understand law-related words and terminology.

More information regarding many of the topics discussed in this booklet can be found on [www.lawhelpMN.org](http://www.lawhelpMN.org). The Minnesota Attorney General's website ([www.ag.state.mn.us](http://www.ag.state.mn.us)) also offers fact sheets on consumer issues such as landlord-tenant disputes, buying a home, credit cards, and healthcare. For information on legal rights or to file a complaint about a product, you can contact the Minnesota Attorney General's Office.

It is important for people of all ages to have a basic understanding of the law. The law touches each of our lives in many ways: protecting rights and establishing responsibilities, governing civic rights, regulating responsibilities between people (including parents and children, students and teachers, landlords and tenants, and employers and employees). How the law touches our lives changes as life circumstances change, and particularly at the age of eighteen when we become adults in the eyes of the law.

## MINNESOTA'S COURT SYSTEM

### The law applies differently to minors than it does to adults.

*In all states a person is considered to be an adult at the age of 18—also known as the “age of majority.” At age 18, although you*

*gain new rights, you also have new duties and responsibilities. But one will also be considered an adult in many matters of the law if one is an “emancipated minor.” Once you are no longer considered a minor, the primary limitation that remains on your legal rights is the restriction on the right to consume alcohol.*

*Among the new rights that become yours at age 18 are:*

- the right to vote in federal, state, and local elections
- the right to be legally independent of parental control
- the right to marry without parental consent
- the right to enter into a contract as an adult
- the right to make a valid will.

*You also have new responsibilities, including:*

- your parents are no longer required to support you
- you are responsible for all of your actions and, should you be found in violation of the criminal laws, you will be tried as an adult and not treated as a juvenile
- you may sue and be sued by others about contracts you make and upon your actions, whether intentional or negligent, that cause harm to persons or property
- you are eligible for jury duty.

These rights, duties, and other significant responsibilities will be discussed in greater detail in this booklet. Before we look at specific areas of law, we will describe how the judicial system is organized and how it functions for adults and minors.

### How is Minnesota's court system structured?

Minnesota's court system is divided into three levels. The **District Court** level includes the trial courts where both civil and criminal matters are heard. Within the district court level are several specialized courts. These include conciliation court (also referred to as “small-claims court”), probate court (handles cases concerning the disposition of property belonging to deceased persons), mental health court, drug court, family court, and juvenile court. The extent to which such specialty courts are distinct from the district courts depends upon the size of each county.

The other two levels of the state court system include the **Minnesota Court of Appeals** and the **Minnesota Supreme Court**. The Minnesota Court of Appeals is a court that hears challenges to district court decisions. The Minnesota Supreme Court hears challenges to the decisions of the Minnesota Court of Appeals and appeals from specialized courts such as the Workers' Compensation Court of Appeals and the Tax Court. All first-degree murder convictions and disputes about legislative elections are also reviewed by the Minnesota Supreme Court.

The Minnesota State court system maintains a comprehensive website located at [www.mncourts.gov](http://www.mncourts.gov).

### What other court systems exist?

In addition to the state court system, there is also the federal court system. Federal courts—which include district trial courts, federal courts of appeals, and the U.S. Supreme Court—hear a variety of cases. These include matters involving federal laws, bankruptcy, civil

rights disputes, interpretations of the U.S. Constitution, and lawsuits between citizens of different states where the amount in controversy exceeds \$75,000.

In addition to these court systems, most of the American Indian tribes in Minnesota now have their own tribal courts that are empowered to consider a variety of legal matters that affect Indian persons who live on or off their reservations, as well as non-Indian persons who may have contact with the reservations or members of the tribes. Each tribal court is somewhat different in its structure and the types of cases it will hear.

### What is the juvenile court?

The juvenile court is a special court that is part of the state district court system. This special court hears matters regarding child abuse and neglect, adoptions, terminations of parental rights, truancy, and juvenile delinquency. Until you reach the age of 18, any delinquency matters will be heard by the juvenile court unless the court makes a specific finding to refer your matter to district court. When you reach the age of eighteen, the juvenile court generally loses jurisdiction over you and your legal disputes will be handled in the district court. In the more populous counties of Minnesota, the juvenile courts have their own judges, referees, and administrative staff. In smaller counties, the district court judges also serve as juvenile court judges.

## EMANCIPATION OF MINORS

### What is the emancipation of a minor?

The term “emancipation” of a minor means the freeing of a person under the age of majority from legal obligations to parents or guardians. Likewise, parents of an emancipated child are released from legal obligations to that child and they will no longer have authority over that child. Emancipation automatically occurs when a person reaches the age of majority or when a teenager marries or enlists in the armed forces.

Minnesota statutes do not specifically define emancipation or create a legal process by which a minor may become emancipated. However,

emancipation as a legal principle has long been recognized by Minnesota courts. The courts must examine each case individually to determine whether emancipation is appropriate based upon the particular circumstances in the case. Courts have made their emancipation decisions based on factors such as:

- the existence of a letter written by the parent to the child saying they agree that the child is on his or her own
- the existence of a formal document drafted by an attorney
- the parent’s action or inaction in permitting the young person to live independently
- whether the young person has been living away from home, is self-supporting, and is not living under parental control.

There is no guarantee that a child is emancipated until a court decides that it has occurred. In some cases, a parent believed he or she had emancipated a child and a court has decided otherwise.

### Can the juvenile court emancipate a child?

Juvenile court statutes allow a court to order a child into independent living as a result of a “child in need of protection or services” (CHIPS) action. Such actions may be brought by the county, or if the county refuses to provide services when asked or refuses to file the petition, a private person may also file the petition. In CHIPS actions, rather than ordering the child into independent living, the juvenile court may place the child in foster care.

An attorney could also attempt to request emancipation through a declaratory judgment-type action on behalf of a young person or his or her parent.

### When is it important to decide if a juvenile is emancipated?

This may be important when determining whether a young person can sue or be sued, leave home to live independently, receive General Assistance, authorize medical care, sign a contract or a lease, set up a utility account, or register a car.

### Must a young person be emancipated in order to request medical care?

No. In certain circumstances Minnesota allows minors to request medical care without parental consent. Minors of any age may request medical care relating to pregnancy, childbirth, venereal disease, and drug and alcohol abuse. Teenagers who have given birth may give consent for medical care for that child and for themselves. Minors living away from home and managing their own financial affairs (no matter what their source of support) may give consent for medical care for themselves. No other person’s consent is required. In giving consent under these circumstances, the individual is also responsible for the costs.



# Civic Rights & Responsibilities

## VOTING

### Who can vote?

Generally, as guaranteed under the U.S. and Minnesota Constitutions, any citizen 18 years of age or older may vote unless somehow disqualified. Under the Minnesota Constitution, you must have been a citizen of the United States for three months. You must also have been a Minnesota resident for at least 20 days before the election. A person who has been convicted of treason or a felony is not permitted to vote until they finish all parts of the felony sentence. A person under guardianship in which the right to vote has been revoked, or who has been found by a court to be insane or mentally incompetent, is also not permitted to vote.



### How much may I be charged to vote?

The law forbids charging fees to vote in any local, state, or federal election.

### How do I register to vote?

In Minnesota, you must register in order to vote in any local, state, or federal election. This can be done up to 21 days in advance of the election, or at the polling place at the time you go to vote. Registration is also available online at [www.mnvotes.org](http://www.mnvotes.org). Voter registration forms are available at county courthouses, city halls, and other public buildings. They must be mailed back to the county auditor.

To register to vote in any election you must present proof of residency. Some of the accepted proofs of residency are:

- A current valid photo ID such as a Minnesota driver's license, learner's permit, tribal ID, or Minnesota ID card that shows your name and a valid address in the precinct.
- College student ID card showing current enrollment, which the election officials will match to a housing list sent by your college.
- Go to the precinct with someone who knows you and who is registered to vote in the precinct, and they can sign an oath.

For more information on registering on the day of the election, or ahead of time, contact the municipal clerk.

### If I am away at college, do I still vote at my home address?

As a college student, you have a choice as to where to cast your ballot. You may select only one residence and vote once in any given election. If you live at home while attending school, you vote at your hometown polling place.

Whether you live on campus, or off campus, you may vote either at your hometown polling place (as long as you still have a permanent residence there), or at the polling place in the neighborhood where your school is located (but not at both places).

### What is an absentee ballot?

An absentee ballot allows you to vote early without going to the polling place on Election Day. Any voter may vote absentee. You can request to have an absentee ballot mailed to you at [www.mnvotes.org](http://www.mnvotes.org). You may also obtain a ballot from the municipal clerk of the community that is your place of residence, or have a person you know pick up and deliver your ballot for you. Absentee ballots are available 46 days before an election.

After marking the ballot as you choose, return it within the period of time stated on the ballot. The easiest way to vote by absentee ballot is to do so in person at your county auditor or city or township clerk's office. You can also return an absentee ballot by mail, or have a person you know return it to the municipal clerk for you.

### MILITARY SERVICE

#### How old must I be before I can enlist in the military?

You must be 18 to enlist without parental consent, and 17 if you have parental consent. Both men and women may enlist for military service. Enlistment, however, is contingent upon meeting security, health, and aptitude requirements. You must also (with very few exceptions) have a high school diploma or GED.

#### Must I register for “the draft”?

Federal law requires that virtually all men register with the Selective Service Administration within 30 days of their 18th birthday. The exceptions to this rule are very few and include:

- nonimmigrant aliens on student, visitor, tourist, or diplomatic visas
- persons on active duty in the U.S. armed forces
- cadets and midshipmen in the service academies and certain other U.S. military colleges.

To register, you go to a U.S. Post Office and request a selective service registration form. You then complete the form and return it to a postal employee. Registration can also be done online at [www.sss.gov](http://www.sss.gov). Until you turn 26, you must also let the Selective Service Administration know of any change in your address. Failure to register is a federal offense for which you may be prosecuted. Failure to register may also affect your ability to obtain financial aid for post-secondary education as well as most federal employment.

#### What options exist for conscientious objectors?

A conscientious objector is someone who opposes any form of war, based on sincere moral, ethical, or religious beliefs. This status is not given to an individual who believes that only a particular war is wrong or immoral. Conscientious objectors must still register with the Selective Service Administration, although they could be excused from combat duty in the event of a draft.

#### If I join the military reserves, what are my responsibilities?

If you join the reserves, you have entered into a commitment identical to that of a person who joins any other branch of the military. As a member of either the reserves or National Guard, you are subject to overseas deployment, possibly with very little notice. Such deployments could include service in combat zones for periods of up to several months. Failure to obey orders during a war or at any other time has serious consequences, and should not be taken lightly. During periods of non-deployment, reservists generally must attend training sessions one weekend per month. Additionally, once each year, reservists attend a 14-day active-duty session. Talk to a recruiter for more specific information.



#### What happens to my voting rights if I move to another city or state?

You continue to have the right to vote in federal elections. With regard to state and local elections, you must consult local government officials in your new community about requirements for registration and for length of time you need to have lived in the district.

#### What rules apply if I want to be a candidate for election?

There are different age requirements for different offices. You may want to check local government offices, such as your city, for its requirements. To run for the offices of either Minnesota governor or lieutenant governor, you must be at least 25 years old, a resident of Minnesota for one year, and a U.S. citizen. State senators and representatives need only be qualified voters and must have lived for one year in Minnesota and six months in the district from which they are elected.

To run for the U.S. House of Representatives, you must be at least 25 years of age and a U.S. citizen for a minimum of seven years. To run for the U.S. Senate, you must be at least 30 years of age and a U.S. citizen for at least nine years. To be U.S. president, you must be a natural-born citizen of the United States, a resident for at least 14 years, and at least 35 years old.

### JURY DUTY

#### Who has to serve on a jury?

Jurors must be between the ages of 18 and 70. Persons called to serve must fulfill this obligation unless a valid reason exists excusing them from duty. In addition to the age requirements, you must not be a convicted felon unless your civil rights have been restored. You must also be a resident of the county and fluent enough in English to understand the proceedings. Failure to appear for jury service when called is a misdemeanor. Generally jury service is for a two-week period, though you may be excused earlier. You could also serve on a trial that goes beyond the two week period.

#### Can I be called for jury duty while I am still in high school?

While you can be called to serve on a jury if you are 18 and still in high school, as a practical matter, the court system will usually postpone your service until the summer months. The same would apply to college students. You may contact the district court administrator or the jury clerk and request such a postponement.

#### How are names drawn for jury service?

Groups of citizens are selected at random from voter registration lists in order to achieve the broadest possible cross-section of the population. In some counties, names are also selected from driver's license lists.

#### Do I get paid to serve on a jury?

Yes, but not very much. At the time of this writing, jurors are paid \$20 for each day that they report to the courthouse, plus round-trip mileage from home to the courthouse at the rate of 54 cents per mile. If you are the normal care provider for a child or disabled family member, you may also be eligible for up to \$40 per day for non-licensed daycare expenses, or \$50 per day for licensed daycare expenses, by showing proof of actual expenses paid.

#### What if jury duty interferes with my job?

By law, your employer must allow you time off to serve on a jury. Minnesota statute prohibits any employer from firing or harassing an employee who is summoned for jury service. Even though there is no law that says your employer must pay you while you serve on a jury, many employers are quite accommodating. To avoid jury duty, you must demonstrate a severe financial hardship resulting from service. Again, if you believe it would cause you a severe financial hardship, you should contact the district court administrator or jury clerk.

#### What if I have strong opinions and feelings about something at issue in the trial?

This should be disclosed by you either voluntarily or in response to questioning by the judge or attorneys during the selection of jurors to hear a particular case. The judge or attorneys will determine whether those strong opinions or feelings prevent you from being on that particular jury.

### INCOME TAX

#### How old does one need to be before having to pay income tax?

The requirement to report income and pay taxes depends upon the amount of taxable income you receive during the taxable year, not your age. You may need to file an income tax form even though you do not owe any taxes. By way of example, for tax year 2016, dependents who earned over \$6,300 were required to file a separate tax return. Dependents are defined as people for whom an exemption can be claimed by someone else, often a parent. You should consult the appropriate IRS and Minnesota Department of Revenue publications or an accountant to determine what current income levels are.

#### What constitutes "income?"

Income includes all earnings, wages, interest on savings, or debts owed to you, tips, and even valuable property you are given in return for services performed, regardless of source or form of payment. It also includes tips and money paid to you for baby-sitting and lawn mowing. Income does not include the value of property you receive as a gift.

#### What if I am entitled to a refund?

A refund results from an overpayment of income tax, either by withholding or by estimated tax payments for the year in question. To obtain a refund, you must complete the appropriate tax return forms and file them with the appropriate federal and state agencies.



# Education

## What does it mean to get suspended, expelled, or excluded, and what rights do I have?

**Suspension** is when school administrators prohibit a student from attending school for a period of two to ten school days. Dismissal for a partial school day, or for only one school day, is not suspension, except in some cases if the student has a disability. Administrators cannot impose consecutive suspensions against the same student for the same course or incident of misconduct, except where the student will create an immediate and substantial danger to persons or property around him or her, or where the district is in the process of initiating an expulsion. In these cases, the suspension may be extended to a total of 15 days.

**Expulsion** is when the local school board prohibits an already enrolled student from further attending school for a period. This period can run for up to 12 months from the date the student is expelled.

**Exclusion** occurs when the school board prevents a student from enrolling or re-enrolling for a period. Unlike expulsion, this period cannot extend beyond the current school year.

All students have rights contained within the Minnesota Pupil Fair Dismissal Act that apply if they are suspended, excluded, or expelled from school.

This law provides that students cannot be denied due process and equal protection in any such proceedings. In most suspension cases, there will be an informal conference with the student before suspension happens. The administration must give the student a written notice containing the grounds for the action, a brief statement of facts, a description of testimony to be used against the student, and a re-admission plan. This notice must also be mailed to the student's parent or guardian. A copy of the Minnesota Pupil Fair Dismissal Act must also be given to the student and parents at or before the time of suspension.

The procedures are more complicated when expulsion or exclusion is involved. A formal hearing, which resembles (but is not) a court trial must take place, and is described in greater detail in the Pupil Fair Dismissal Act. A student or parent can even choose to have an attorney represent the student at this hearing. There is no right to an attorney, however. After a decision regarding exclusion or expulsion is reached, there is a right to appeal that decision to the commissioner of education and beyond that, to the court system. In situations where the student's actions create an immediate threat and substantial danger to persons or property around him or her, these procedures may happen after the suspension or expulsion takes place.

If you are suspended, excluded, or expelled, the principal is obligated to give you a copy of the Pupil Fair Dismissal Act that will tell you in greater detail all of the rights that you have.

## What kinds of rights do I have in school?

You have legal rights in school. Nevertheless, in order to make sure that the school is safe and that other students are not disrupted in their efforts to obtain an education, school administrators and teachers have significant powers to limit some of those rights.

You do have some protected First Amendment free speech and assembly rights. For instance, you may choose whether to participate in the recitation of the Pledge of Allegiance, and that decision must be respected. Furthermore, you cannot be suspended, expelled, or excluded simply for participating in a protest or expressing controversial ideas. You can, however, have these rights severely limited if the protest or your speech creates a safety hazard, incites a riot, leads to violations of the law, or interferes with the educational process by causing a disruption at school. Some off-campus speech, such as internet and social media activity, can also be limited by schools if they cause disruption at school.

Corporal punishment is not allowed in Minnesota schools. As a general matter, you can sue a teacher if he or she hits you. As with any lawsuit, however, you will have the burden of proving that the action was unjustified and caused you harm.

## What can I do if I'm being bullied at school?

Most cases of bullying and harassment at school are handled by the school administration. Schools are required by law to have and implement an anti-bullying policy, which outlines the procedures a school will use to address bullying, including how students should report bullying if they experience it. Schools must distribute this policy to their students and parents each year.

Students may want to speak with an attorney if the school is failing to adequately protect them from bullying if: the bullying is severe enough to interfere with a student's education; it is related to a student's race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability; and the school fails to address the bullying under the school's policy. It is always a good idea to discuss your individual situation with a lawyer who is experienced in education law before bringing a lawsuit against a school.

Students can also contact agencies responsible for enforcing anti-discrimination laws. These include the U.S. Department of Education, Office for Civil Rights, which is part of the U.S. federal government, the Minnesota Department of Human Rights (MDHR), or a local agency such as the Minneapolis Department of Civil Rights.



If you intend to make a formal complaint or bring a lawsuit, it is important that you act quickly. There are time limits associated with these legal actions, which typically begin at the time of the incident. If you miss the deadline, you may be barred from bringing your claim forever.

### **Can school authorities search my locker?**

School lockers are considered the property of the school district. The school retains exclusive control of lockers which are provided for the convenience of students. The law states that there is no expectation of privacy in lockers and it allows school authorities to inspect the interior of lockers for any reason, at any time, without notice, without student consent, and without a search warrant.

The personal possessions of the student, like backpacks and purses, within the school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. The law says that school authorities must provide notice of the search to students whose lockers were searched as soon as practicable after the search, unless such disclosure would interfere with an ongoing investigation.

### **What is the penalty for possession of firearms at school?**

Students who bring firearms to school must be expelled by school boards for at least one year. The board may, however, modify this expulsion requirement for a pupil on a case-by-case basis. The law also requires school officials to refer any student who brings a firearm to school to the criminal justice or juvenile delinquency system.

The expulsion may be disclosed by the school district to other school districts in connection with the possible admission of the student to another school.

### **Who has a right to see my grades?**

Your grades are private information that the school cannot release to anyone except a school official or your parents or guardian. Your parents do have a right to know your grades until you are 18 years of age unless you have made a special request denying parental access. The school will make the decision as to whether your parents can see your grades. After age 18, your parents still have a right to see your grades if they claim you as a dependent on their tax returns.

### **Can I stay in school if I get married or if I become pregnant?**

The school is not allowed to expel you simply because you get married or become pregnant. In fact, many schools have classes and programs geared towards young women who become pregnant. You should check with your principal or school administrators regarding such programs and classes.

### **Does the school have to give me help in my language if I do not speak English?**

Yes. Your school must provide help if you do not speak English. You should contact your school counselor or principal to obtain more specific information about the programs available to you.

### **May I be denied access to any school because I have a physical or emotional disability?**

You cannot be restricted from attending school just because you have a disability. There are laws that protect disabled persons from being discriminated against, and these also apply to schools. However, you should determine that the school you wish to attend is best suited to help and educate you given your particular disability.

### **Do all sports have to be open to both male and female students?**

Public schools are prohibited by law from discriminating on the basis of gender against students who want to participate in sports. There may be separate men's and women's teams, but the same opportunities must be made available to both men and women. Persons trying out for teams must meet all of the standard requirements, regardless of gender, in order to be considered.

### **Can a teenager go to work instead of going to school?**

In Minnesota, if you are from seven to sixteen years of age, you are required to attend school. If you fail to attend school for a period of time and you do not have a valid excuse for staying away from school, you can be considered truant and subject to the juvenile court's jurisdiction for discipline. A student between 16 and 18 who seeks to withdraw from school must attend a meeting with his/her parent(s) and school personnel to discuss educational alternatives and sign a written election to withdraw from school.

While you cannot replace school with work, some schools have various work-study programs that let students receive credit towards a high school diploma while working and learning on the job. Check with your school counselor about work/study programs.

### **Can my parents set up school at home for me instead of sending me to school, or can I attend a private school?**

You may receive an education at home instead of attending school if your parents meet the guidelines provided by the Minnesota Board of Education for home schooling.

You may also attend a private school, but generally you must pay for such attendance, as private schools are not publicly funded. If you are interested in attending a private school but do not have the money required to pay for it, you should contact the private school directly and determine whether any scholarship or financial aid programs are available.

# *Employment*

### **What age restrictions are there on jobs I can hold?**

Federal and state laws require the secretary of labor and the Minnesota

commissioner of labor and industry to determine if some jobs are unsuitable for minors and to issue rules that prohibit employment of minors in such occupations.

Currently, Minnesota law prohibits individuals who are under the age of 14 from being employed, however there are exemptions for agricultural operations, entertainers and models, newspaper carriers, babysitters, and youth athletic program referees. Regulations prohibit those who are 14 and 15 years old from working various jobs, including construction and repair, mining and manufacturing, warehouse jobs, and driving jobs. Laws also prohibit persons under 16 from working during school hours and working late hours while school is in session. No one under the age of 18 may do hazardous or dangerous work.

Also, liquor laws prohibit persons under age 18 from selling or serving beer or intoxicating liquor, although persons over age 16 can work as bus persons or can work in food preparation and service in places that sell beer and liquor incidental to food service or preparation.

Some occupations require licenses from the state. Generally, these licenses require that you must be at least 18. The licensing process usually has education, experience, and testing requirements.

Once you are 18, you are eligible for any kind of work. You are also protected from age discrimination in employment by the Minnesota Human Rights Act (MHRA) and federal law. An employer cannot refuse to hire you or make decisions about your wages, promotions, or termination based upon your age.

### What are my rights and responsibilities as an employee?

Generally, employers and employees are free to make whatever agreements they want about terms and conditions of employment so long as they comply with the minimum standards imposed by law. The law imposes certain requirements on employers. For example, an employer must not discriminate against an employee on the basis of that employee's "protected class status." Under federal and Minnesota state laws, "protected classes" include race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, age, and sexual orientation. These "anti-discrimination" laws are enforced at the federal level by the Equal

Employment Opportunity Commission (EEOC), at the state level by the Minnesota Department of Human Rights (MDHR), and at the local level by various city and local human rights agencies.

Employers have many other obligations in addition to the anti-discrimination laws. Employers must pay at least the minimum wage, which is defined by federal and state laws. They must maintain a safe workplace. They must pay one and one half times the regular rate of pay for overtime work. Under certain circumstances, they must allow an employee to take unpaid leave related to the employee's own serious health condition, to care for a close family member with a serious health condition, or for the birth or adoption of a child.

There are many other such requirements. But beyond those requirements, employers and employees are free to agree on how employees will be paid, what kind of work they will do, their working hours, and what kind of work rules they will be required to follow. Sometimes these agreements are just oral agreements between the employer and employee. Sometimes they are put into an employee handbook or a written contract.

Most employers expect the employee to become familiar with the rules in their workplace and to conform to those rules. They expect you to come to work when scheduled, to be at work on time, to be ready to work, to dress appropriately for the work you are doing, and not to engage in personal (non-work) activities while you are working.

### If I think I am being discriminated against, what can I do?

If you think you are a victim of discrimination, you can consult with a lawyer or call the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or a local city civil rights agency. These agencies deal with employment discrimination based on protected class status. A lawyer can advise you about your rights in these areas. Again, it is important to contact one of these agencies and/or a lawyer quickly, to make sure you comply with the time requirements imposed by law.

### What is a union?

In some workplaces, employees have formed or joined a formal organization called a union that represents the employees in dealing with their employers. Where a contract spells out the terms and conditions of employment, you may be asked to join the union and pay an initiation fee and union dues. Minnesota law provides that employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid and protection. Employees also have the right NOT to participate in any and all such activities.

### When interviewed for employment, what information may I keep private?

You do not have to answer questions about your age, race, sex, sexual orientation or religion, or your involvement in civil rights or religious organizations or organizations or clubs that would disclose your racial or ethnic background. You also do not have to answer questions about your medical condition or any handicap or disability you may have that does not relate to your ability to perform the



job at which you are working. After you have been offered a job, an employer may require you to undergo a medical examination at the employer's expense to determine if you are medically capable of performing essential duties of the job. And, you do not have to disclose criminal offenses that occurred before you turned 18, unless the juvenile court has ordered that these be treated as adult offenses.

### Must I submit to drug and alcohol testing?

An employer may request or require a job applicant to undergo drug and alcohol testing provided a job offer has been made to the applicant and the same test is required of all job applicants conditionally offered employment for that position. Some employers have adopted written drug-testing policies that require all applicants to be tested for drugs or alcohol in their blood or urine. Minnesota and federal law set certain standards for such policies and provides certain protections for applicants. If an employer has such a policy, the applicant is entitled to examine a copy of it before deciding to undergo testing. An employer may withdraw its offer to hire you if you test positive in the initial test and a confirmatory test.

Once you become an employee, an employer can require you to submit to a drug or alcohol test under certain circumstances, including if the employer has a reasonable suspicion you are under the influence of drugs or alcohol. However, as with pre-employment drug and alcohol testing, an employer must have a compliant drug and alcohol testing policy and permit employees to review the policy before requiring drug and alcohol testing.

### What should I do if I lose my job?

What to do depends upon why you lost your job. The first thing you should probably do is to apply for unemployment compensation with the Minnesota Department of Employment and Economic Development (DEED). Unemployment compensation is a form of benefit payments to persons who are out of work through no fault of their own. If you qualify, you will receive for a period of time a weekly payment for each week you are unemployed, able to work, and actively seeking work after the first week of unemployment. If you lost your job because of lack of work, because your employer went out of business, or even because you lacked skill or ability to do the work, you may still be entitled to unemployment compensation benefits. However, if you voluntarily quit or were discharged for misconduct, you may not qualify for benefits. You should apply for benefits anyway to obtain a determination of your right to receive them. DEED will assist you in looking for another job and will explain the qualifications for receiving benefits.

If you think you were terminated unjustly, you may have other options. A lawyer will be able to advise you about your rights and claims if you were terminated in violation of the law. It is very important that you seek the help of a lawyer quickly, as there are specific time limitations for making certain types of employment claims, and if you miss the time frame, you may be unable to bring your claims forever.

### Can I quit my job at any time?

Probably. Usually, the terms and conditions of your employment are contained in employee handbooks or separate agreements made between employers and employees. You can agree with your employer to give a certain amount of advance notice before quitting your employment. You can agree with your employer that your employment will be for a specific term, such as three months, one year, or longer. It is a good idea to have such agreements in writing. Most employment is of indefinite duration. In Minnesota, as in most states, in the absence of a written agreement or contract, employment of indefinite duration is said to be "at will." That means that either the employee or the employer can terminate the employment relationship at any time for any lawful reason.

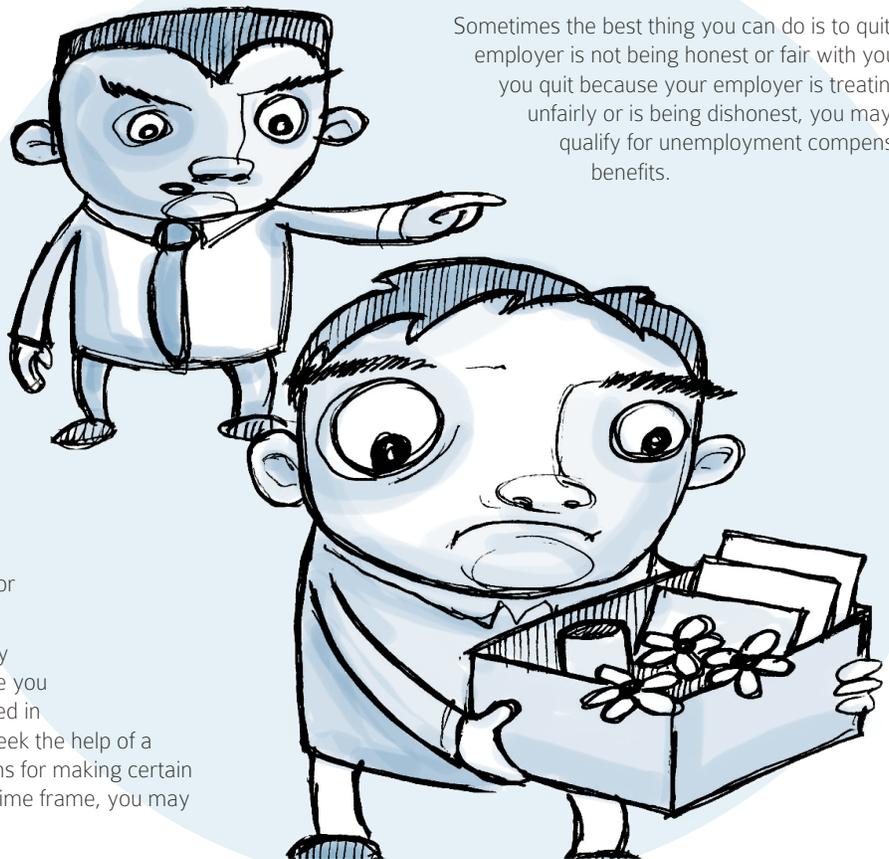
As a matter of custom and courtesy, most employers expect their employees to give reasonable notice that they are quitting so that the employer can plan for a replacement. Usually two weeks is considered reasonable notice for most jobs. This can help you get a favorable reference from that employer for future employment.

### If my boss does not keep his or her promises, what can I do?

First, it is best to calmly tell your boss how you think you have been treated unfairly and what you think needs to be done. Many disputes are cleared up in this way. If that does not work, you may wish to go to your boss's superior and explain the problem.

If the problem relates to substantial matters involving wages, hours, or terms and conditions of employment, you may have the right to sue your employer to enforce the promise. If that is the case, you may wish to consult an attorney.

Sometimes the best thing you can do is to quit if your employer is not being honest or fair with you. If you quit because your employer is treating you unfairly or is being dishonest, you may still qualify for unemployment compensation benefits.



---

## Can I be fired if I do not want to work late at night, extra hours, or a different job than I was hired for?

Yes. The terms of your employment as far as what your employer expects of you and what you expect of your employer determine your job requirements. If the terms of employment provide that the employer can assign you late night hours or overtime work, you can be terminated for refusing to do that. If your employer changes the terms of employment by instituting new work rules, hours, or job duties, generally you accept the new rules by staying on the job. If you quit because wages, hours, or other terms and conditions have been substantially changed by your employer, you may be eligible for unemployment compensation benefits.

If the company has a union contract, other written contract, or employee handbook that covers the conditions of your employment, you may be able to enforce the terms of the contract or handbook by following the procedures set out in them.

## What is workers' compensation? How and when do I get such benefits?

Workers' compensation is a system for compensating workers for injuries arising out of their on-the-job employment. It is established by state law. The law requires employers to insure themselves against such claims by workers and provides compensation to workers for injuries or illness arising out of their employment, regardless of who was at fault. Employees may be entitled to compensation for wage loss and to payment of their medical bills, rehabilitation expenses, and retraining required because of such work-related injuries or illnesses.

To protect your right to such compensation, you must notify your employer immediately, or as soon as possible, if you suffer a work-related injury or illness. A workers' compensation proceeding to enforce the claim must be started within three years after the employer has made written report of the injury to the Department of Labor and Industry, but not to exceed six years from the date of the accident.

## How do I get my final paycheck?

Under Minnesota law, when an employer fires an employee, the employer must immediately pay the discharged employee all earned and unpaid wages upon written demand from the employee. If the wages are not paid within 24 hours, the employer is in default. In addition to recovering the unpaid wages, the discharged employee may recover a penalty equal to the amount of the employee's average daily earnings at the employee's regular rate of pay for each day, up to 15 days.

Minnesota law provides that when any employee quits, the wages or commissions earned and unpaid at the time the employee quits shall be paid in full not later than the first regularly scheduled payday following the employee's final day of employment. If the first regularly scheduled payday is less than five calendar days after the employee's final day of employment, full payment may be delayed until the second regularly scheduled payday, but shall not exceed a total of 20 calendar days following the employee's final day of employment. If you have money or property of the employer in your possession, you must return it as quickly as possible. The employer is entitled to up to ten calendar days to account for the money or property before paying you your final wages.

If the employer fails to pay you within the specified time period after you quit, you should make a written demand for payment of unpaid wages and keep a copy of your demand. It is a good idea to mail the demand to your employer by certified mail so you can prove you sent it. If the employer fails to pay all money due you within the prescribed time period, you are entitled to sue the employer for any unpaid wages due, plus a penalty of one day's wages for each day of delay up to 15 days. For purposes of this law, wages include salary and piece work (hourly wages), and commissions you earn in addition to salary or hourly wages.

If your former employer fails to pay you in accordance with Minnesota's wage payment laws following your departure from employment, you may be able to enforce your rights in conciliation court without hiring an attorney. Alternatively, you may file a wage claim with the Minnesota Department of Labor and Industry.

## Can my parents take my paychecks?

If you are a minor, your parents can take your paychecks. If you are over 18 or if you are emancipated and living on your own and supporting yourself without assistance from your parents, you are entitled to keep your income.

## Can my parents charge me for rent, food, and other expenses?

If you are over 18, you are no longer legally entitled to be furnished with food, clothing, or shelter by your parents. They are free to charge you for room and board and they are free to enter into any other lawful agreement with you about the use of their home, meals, use of their car, and other such expenses.

# Sexual Harassment

## What is sexual harassment?

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of a sexual nature that is used to gain power over someone or to create an intimidating, hostile, or offensive environment. This includes remarks, jokes, looks, gestures, suggestive comments, and/or physical contact. Sexual harassment can be a problem in schools, in the workplace, in organizations, in the use of public services and public accommodations, when seeking housing, and in landlord-tenant situations. In schools, sexual harassment can be by staff to student, student to student, or student to staff. Conduct can constitute sexual harassment even though it does not involve criminal conduct.



In Minnesota, schools and employers, are required to post a sexual harassment policy where it is easily visible. Schools must also distribute the policy to students and staff at least once each year. You may ask to see a copy of the policy at any time.

### When is the educational or work setting offensive or hostile due to sexual harassment?

While specific harassing conduct by one person against another may be more easily recognized as sexual harassment, the law states that sexual harassment also exists when the environment is intimidating, offensive, or hostile because of unwanted sexual behavior and atmosphere. Much litigation has occurred in efforts to define what constitutes a “hostile work environment” and the law continues to develop in this area.

Sexually explicit graffiti, displays of sexually explicit photographs, use of sexually explicit language, and public displays of affection can all contribute to a hostile environment. The harassed victim may be an individual or a group.

Many school policies recognize that kissing or fondling in the school hallways is just one of many forms of sexual harassment that can exist at school. The victims in this example are the other students and/or staff. By adding to the atmosphere of sexual activity, public displays of affection contribute to the existing peer pressure on students to be sexually active. In addition, some students and staff find public displays of this kind offensive.

### What can I do if I am being sexually harassed at school?

You should be familiar with your school policies on sexual harassment. If you believe that you are being sexually harassed, you should tell someone you trust, such as a parent, teacher, or counselor. That person should go with you to make a formal complaint to the principal. Your school is required to investigate all complaints of harassment.

Do not let another individual stop you from reporting sexual harassment by making threats against you. School policies (and state and federal laws) provide strong measures against those who harass others and then try to intimidate their victims into silence.

### What if the school ignores my complaints of sexual harassment?

Be familiar with, and follow, the procedures for making a sexual harassment complaint at your school. If prompt and appropriate

attention does not come from the principal, you should contact the superintendent of your school district.

If necessary, a student may also begin a civil lawsuit to stop the harassment and, if appropriate, receive some form of compensation. The student and

parent or guardian may contact an attorney who can help them with their claims and, as appropriate, their lawsuit.

In addition to, or instead of, initially bringing your own lawsuit, you can contact the federal, state, or local agencies responsible for enforcing the anti-discrimination laws. These agencies include the Equal Employment Opportunity Commission (EEOC), which is part of the U.S. government; the Minnesota Department of Human Rights (MDHR); and local agencies including the Minneapolis Civil Rights Department. It is important to contact one of these agencies or a lawyer quickly to make sure that you comply with the necessary time limitations imposed by law. If you miss the required time frame, you may be barred from bringing your claim forever.

### What can I do about sexual harassment in the workplace?

The same procedures that apply to sexual harassment at school also applies to sexual harassment in the workplace. Be familiar with the policies and speak to your supervisor and/or the human resources officer. Filing a lawsuit and/or filing with the EEOC or MDHR procedures are the same.

### What happens if I am accused of sexual harassment?

If you are accused of sexual harassment in a school setting, what happens will depend upon your school’s policies. You and other students and staff will probably be interviewed to determine whether the allegations are true. If the allegations are true, you could face discipline that would vary depending upon the severity of your actions. It is possible that you could be expelled from school.

If the accusation occurs in a job setting and the allegation is true, you could face discipline ranging from a reprimand to dismissal from employment. In addition, the victim could file a claim with the EEOC, MDHR, or a local agency or begin a civil lawsuit against you, to seek financial damages for the harassment.

Actions that seem like “jokes” or “pranks” to one individual can be perceived as sexual harassment by another. It is important to be familiar with your school or workplace’s sexual harassment policies and to abide by them.

# Banking & Consumer Rights

## BANK ACCOUNTS

### How do I open a checking or savings account?

You may open a checking or savings account at a bank, savings and loan association, credit union, or other financial institution that offers such services. You should bring personal identification with you to the bank, including your social security number, when you apply for the account. Be prepared to make an initial deposit of \$100 to \$300 to open the account, depending on the bank or institution you choose. Many times, the opening of an account requires a credit check.

### Should I sign up for automatic deposits and automatic withdrawals?

Automatic deposits allow you to have your paycheck or benefits check deposited directly into your bank account by your employer or the government. Automatic withdrawals are a way to pay bills directly from your account, without having to write a check. Automatic transactions are useful to help you receive your wages as soon as possible and pay your bills on time. However, you should always check your bank account to make sure your deposits are going through and to make sure you have enough money to cover automatic withdrawals. If your income changes or you cancel a service you are currently paying for, make sure you update or cancel your authorization for deposits and withdrawals as soon as possible.

### Should I check my bank statement every month?

You should check your bank statement carefully every month to make certain there are no errors or differences between your records and the bank's statement. If there are, call this to the attention of the bank immediately so that the problem can be corrected without any further complications. Failure to act in a timely fashion may prevent you from forcing the bank to correct any errors it may have made. If you lose your checkbook or check card, or if they are stolen, you should contact the bank immediately.

### What will happen if I write a check for more than I have in my account?

If you write a check for more than you have in your account, the check will be returned to the person to whom the check was written with a statement of insufficient funds. This is often called "bouncing a check." This will have a negative effect on your credit record and your relationship with that person or business. Your bank will most likely charge you a fee for a returned check, and frequently the business where you used such a check will be charged a fee and may also charge

you a fee. On your bank statement, these fees may be listed as "NSF" If you write a check knowing that you do not have sufficient funds in your account or on an account that you previously closed, you may also be subject to civil and criminal penalties.

### What is overdraft protection?

If you have a checking account, you may have the option of setting up an "overdraft protection" service. There are various types of overdraft protection, which authorize the bank to loan you the money needed to cover the checks you write. Your bank can explain the options to you. Keep in mind that these protections can include high bank fees: the bank may charge fees for the service or related transactions, and some transactions may accrue interest. It is much less expensive and safer to always ensure you have enough money in your checking account to cover your purchases and bills.

### What is a bank service charge?

Service charges are fees charged by financial institutions for certain transactions. For example, a bank may charge you a small fee for each check you write, or for each time you withdraw funds from an automatic teller machine (ATM). When you open up any kind of an account with a financial institution, be sure to ask what service charges will apply and how you will know if they change. The bank should provide you with information that explains all the terms and conditions of your account. If they change, you should receive notice from the bank.

## CREDIT CARDS

### What is the difference between credit cards and debit cards?

A credit card account allows you to charge expenses to an account that you must pay back later. Usually you will receive a statement of your account once a month and be expected to pay some or all of the balance. You will pay interest on the money you borrow by using a credit card account if you don't pay the balance in full every month.

There are different types of credit cards and you need to be aware of the process and rules that relate to your card. Retail credit cards are usually issued by department stores and specialty stores and may only be good only at that store, though some retail cards are only "branded" to that store but usable elsewhere. Generally speaking, retail cards have a higher interest rate than bank cards. Bank cards, such as Visa or MasterCard, are issued by banks and other financial institutions. These are accepted at a wide variety of businesses. Some cards such as American Express and Diner's Club, can be "pay-as-you-go" cards because they require payment in full each month, rather than simply a minimum of the total bill.

A debit card allows you to charge expenses to your checking account without writing a check, and the money is paid out of your account immediately. You must have enough funds in your checking account to cover any charges you make using your debit card, or some sort of overdraft protection or line of credit to cover any charges that would put your account in the negative. As above, any overdraft protection will likely have fees associated with it.

### How can I get a credit card?

You can get a credit card by responding to advertisements you receive in the mail or by applying at a bank or store that issues the card. When you apply for credit, you need to establish that you or a co-signer will be able to pay the bills. This can be done by having someone with an established credit history (such as a parent) co-sign for your card. If you have a job or some other source of income, documentation of that may enable you to get the card without a co-signer. Under federal law, if you are under the age of 21, you will not be issued a credit card unless you have a co-signer who is over the age of 21 or you have proof that you have an independent means of paying your credit card bills.

### Besides my purchases, what other charges will appear on my statement?

Your account may include interest and fees.

**Interest:** When you buy something with a credit card, you are actually borrowing money from the credit card company to pay for the purchase. Interest is what the credit card company charges you to borrow its money, just as a bank would charge you interest if it granted you a loan.

**Fees:** Fees are the charges applied to your account by the bank or store for their services as you use their bank card. Be sure to understand how fees and interest are calculated before you open a credit card account.

### How is interest determined on my credit card account?

Be sure to understand how interest is calculated on your particular account, or you may have an unhappy surprise when your bill arrives. Not all credit card issuers calculate interest charges the same way. One method calculates interest based on the average daily balance. Another method, the adjusted balance method, subtracts payments from the balance before calculating interest charges. A third method, called the previous balance method, calculates the interest charge based on what the balance was on the last billing. Read the credit card contract and talk to the credit card company about how interest on your account will be calculated before you open an account to make sure you understand what terms and conditions will govern your use of the credit card account. When you receive a credit card, make sure to keep a copy of your contract and any new materials you may receive in the mail about the company's interest rate or policies. These contracts must also be made available on the company's website.

### What should I do if I lose my credit card? What do I do if my statement includes charges I did not make?

You should call the credit card company immediately to report the loss, or any incident where charges appear for purchases you did not make. If someone uses your credit card before you report the theft, you may be assessed fees for each card that is used without your authorization, so do not delay reporting the loss. If you believe that your credit card was stolen, report it to the police and credit card company immediately. Be sure to keep a copy of the police report and a record of any charges

to your account that you did not make or authorize. If you believe that you are the victim of identity theft after your credit card is lost or stolen, you can find more helpful information on websites of the Federal Trade Commission, [www.ftc.gov](http://www.ftc.gov), and the Minnesota Attorney General's Office, [www.ag.state.mn.us](http://www.ag.state.mn.us).

### What does a credit bureau do?

Credit bureaus are independent agencies (not associated with any bank or credit card), that maintain files on consumers' credit history. This information is provided to credit card companies, landlords, banks, and other institutions that subscribe to the services. The information is used in determining whether a person is a good credit risk. There are hundreds of credit bureaus, with the three largest being Equifax, Experian, and TransUnion. Much of the information in your file is supplied by you in the applications you fill out when you apply for credit, such as your address, your spouse, and your employers. Other information is supplied by those who have extended credit to you. This information includes if you pay your bills on time, your outstanding balances on credit cards and loans, and the amount of credit extended to you. Other information such as bankruptcy filings, judgments filed against you, and tax liens may be obtained from public records.

Institutions that are considering extending credit to you review this information when you apply for credit. You have the right to review these credit reports and you have the right to know the basis for any denial of credit. If there are any inaccurate items listed on your credit report, you can dispute those. That will trigger a review by the supposed creditor to confirm that the listing is accurate.

Under federal law, you are entitled to receive one free credit report every year from each of the nationwide consumer reporting companies, Equifax, Experian, and TransUnion. To do so, visit [www.annualcreditreport.com](http://www.annualcreditreport.com). Be careful! Some websites that claim to provide free credit reports often sign you up for services you have to pay for without your knowledge.

### What is a credit rating?

A credit rating profiles your history of handling credit. Creditors use different kinds of rating systems. Some rely strictly on their own judgment and experience. Others use a credit scoring or statistical system to predict whether you are a good credit risk. Different creditors may reach different conclusions based on the same set of facts.

## PURCHASES

### What should I keep in mind when making big purchases?

Before making a big purchase like a car or a computer, make sure you research the product. Think about what you need the purchase for and what make and model will serve you best. Compare prices at various stores and websites and read other people's reviews of the product's quality at a consumer reporting services, like [ConsumerReports.org](http://ConsumerReports.org). When you make the purchase, always save your receipts. This may allow you to return the product if it breaks or does not serve your purposes.

Ask if the product you are purchasing is covered by a warranty in the event that it doesn't work properly or needs repairs. If a product is sold without a warranty the product is sold "as is." The buyer should be sure to inspect the product to make sure that it is free from any defects and/or not in need of any repairs before purchasing any product "as is."

### How important are warranties?

Warranties are the manufacturer's or seller's promise to provide a remedy should the product fail. Warranties vary in the amount of coverage they provide. Just as you compare style, price, and other characteristics of competing products before you buy, you should also compare warranties.

Keep these questions in mind when comparing warranties:

- What parts and repair problems are covered by the warranty, and what is specifically excluded?
- Are there any conditions or limitations on the warranty?
- How long does the warranty last?
- What will you have to do to get repairs?
- What will the company do if the product fails?
- Does the warranty cover "consequential damages" (damages the product causes)?
- What are the costs and/or benefits of an extended warranty?

If you have a question about a particular product or service, try contacting the company or individual that makes the product or provides the service. Many consumer magazines and websites, such as *Consumer Reports*, try to give an objective opinion about various products and services. To inquire about the record of a specific company in providing products and services and honoring warranties, you can contact your local Better Business Bureau. It is a good idea to consult these resources before making a major purchase.

### How do I file a complaint about a business and its products, services, or advertising?

For information on how to file a complaint, you should contact the Minnesota Attorney General's Office at [www.ag.state.mn.us](http://www.ag.state.mn.us) or call 651-296-3353 or 1-800-657-3787.

False advertising is the practice of making claims or statements about a product that are untrue. The Minnesota Attorney General's Office is interested in learning about companies that use false advertising. If you have been a victim of false advertising or know of a company that uses deceptive advertising, visit the Minnesota Attorney General's website.



### LOANS

Most individuals will probably need loans at some point, particularly for very expensive purchases, such as a car, a condominium, or for one's education. Loans are available through many institutions for different kinds of purchases. Remember, a credit card account is also a loan agreement. Loans vary significantly in the fees and interest that are charged, and these can make a major difference in the true cost of purchasing an item or service.

#### How do I get a student loan?

The best place to get advice and information about financing your education is at your school's financial aid office, the U.S. Department of Education, or the Minnesota Office of Higher Education. Advisors there should have information and applications for several aid programs, including various types of loans, grants, and work/study programs. Your credit history may affect your ability to obtain such loans, and having a loan may also affect your future credit record.

#### Should I get a payday loan or a security lien?

Even if you need money quickly, try to avoid commercial loans like payday loans or liens on the title to your car. Although these types of loans are processed quickly and look reasonable, they can often be difficult to pay back in time. The interest rates can be very high, and, as a result, they ultimately cost a great amount of money.

If you need an emergency loan, contact your county social services for information about any emergency assistance programs available. You may also be able to secure a personal loan from your bank or credit union.

### BILLS

#### What should I do if I cannot pay my bills?

First, you should contact your creditors to inform them of your situation and try to work out arrangements for repayment and extensions. If you cannot reach an agreement with your creditors, or if you need assistance in planning your budget, you may wish to consult with a credit and debt counseling service. Some nonprofit organizations offer low cost or free assistance with debt management plans and/or credit counseling. Be sure that you understand what fees they charge for their services. Beware of for-profit debt settlement services as many charge significant fees for their services, especially those located out of state and offering to deal with all your creditor. Debt settlement companies should be licensed by the Minnesota Department of Commerce, which has a website you can search at <http://www.commerce.state.mn.us/LicenseLookupMain.html>. If your financial situation becomes critical (i.e., you owe multiple creditors substantial debts that you are not able to pay off), you may wish to consult with an attorney regarding filing bankruptcy.

#### What should I do if I am being harassed by creditors?

Sometimes debt collectors will use aggressive and threatening tactics to try to collect debts from you. You may receive multiple phone calls a day, at home or at work. If you are being harassed by collectors, you have the right to write them a letter informing them to stop contacting you. Collection methods are controlled by law. The Fair Debt Collection Practices Act (FDCPA) is a federal law that prohibits debt collectors from using harassing, abusive, or deceptive practices when collecting a debt. Even if a consumer owes the debt, he or she can still sue a collector that violates the FDCPA. You should consult a consumer rights attorney if you are receiving harassing, abusive, or deceptive phone calls or other communications from debt collectors.

#### What should I do if I am sued by creditors?

You should consult a lawyer immediately. Do not just ignore the notice you receive because you do not have the money to pay your debt. The case against you can go forward even if you do not respond or come to the court as required. If you cannot afford to hire an attorney, your local legal aid office may be able to assist you or refer you to other services.

There are two different types of courts in Minnesota in which creditors and debt buying companies frequently sue debtors who have defaulted on their accounts:

**Conciliation Court** is small claims court where many people represent themselves. There are relaxed procedural rules, and relaxed rules of evidence. If you are sued in Conciliation Court you may receive lawsuit papers called a "Statement of Claim and Summons" in the mail or via personal service. The Statement of Claim and Summons will be sent with a Notice of Hearing telling you where and when you



will have to go to court. You must appear at the Conciliation Court hearing to defend yourself or a default judgment against you will likely be entered. If you cannot make the hearing date, you must request a continuance from the court in writing, and send a copy of the request to the creditor or the creditor's attorney. If possible, you can attempt to reach a settlement or payment arrangement with the creditor or the creditor's attorney, which may preclude the creditor from pursuing a judgment against you. If you intend to fight the creditor's claim, you should bring three copies of any proof you have, so you can give one to the creditor and one to the judge.

**District Court** is more complicated than Conciliation Court, and many people have difficulty representing themselves in District Court lawsuits without legal assistance. The rules of procedure and the rules of evidence are much more complicated than Conciliation Court. District Court lawsuits in Minnesota start when a "Summons and Complaint" is personally served on the defendant. A summons must be hand-delivered to the defendant or someone who currently resides with the defendant. There is no requirement that the defendant sign for the summons and complaint forms. District Court lawsuits often start before a lawsuit is actually filed with the District Court. This is called "pocket filing" so there often is no court file number on the summons and complaint forms. There is a 20-day deadline for the defendant to serve a formal legal document called an "Answer" in response to a complaint.

An answer is a formal legal document and just calling the plaintiff or the plaintiff's attorney or sending a letter is not enough. The answer can be served by normal U.S. mail and does not need to be hand-delivered to the plaintiff or plaintiff's lawyer. Make a note of the date that the summons and complaint was served on you or handed to someone you live with, and contact a lawyer for assistance immediately. If you do not serve an answer before the 20-day deadline, the plaintiff may file the case with the district court and obtain a default judgment against you. Many default judgments are processed administratively by the district court without any hearing dates or judge assigned to the case. If a judgment is entered against you, the plaintiff may try to garnish your earnings or accounts with a bank or credit union.

### What do I do if my wages or bank accounts are being garnished?

If a creditor wins a lawsuit against you, your earnings or accounts with a bank or credit union may be "garnished." **Garnishment** means that money will be automatically taken out of your paycheck or account before you receive it in order to pay off the judgment. Minnesota also has a statute that allows a plaintiff's attorney to garnish before a judgment is entered if a defendant does not respond to a district court lawsuit and the plaintiff fulfills certain statutory requirements. (See Minnesota Statute section 571.71) This collection tactic is used far less than garnishment after a judgment is entered.

Under Minnesota Statute section 550.37, your earnings are "exempt" or protected against garnishment:

- if you currently receive government assistance based on need
- if you have received government assistance based on need within the last six months

- if you have been in prison during the last six months
- if, in a week, you earn less than 40 times the federal minimum wage per week.

Common forms of government assistance based on need in Minnesota are federal or state food support (SNAP), Medical Assistance, MinnesotaCare, Minnesota Family Investment Program (MFIP) benefits, energy assistance, and other similar programs. Any money that you receive through government assistance based on need is also exempt or protected from the claims of ordinary creditors like credit card companies and debt buyers.

However, just because your earnings and/or benefits are exempt or protected does not mean that you should ignore collection action, and you should never disobey a court order. In order to claim an exemption of your earnings or benefits money, you will have to take action by completing an exemption form. Claiming an exemption of your earnings is often easier than claiming an exemption of money in a bank or credit union account that has been frozen. Read the instructions that the plaintiff's attorney sends to you that explain what you need to do to successfully claim an exemption of your earnings or benefits money. If you cannot understand the instructions, you should seek help from a lawyer.

In order to make an exemption claim for funds withheld in a bank or credit union, you must follow the instructions on the notice from the creditor. This will include completing the exemption form and returning it to the creditor with two months worth of bank statements for each account that had funds withheld. You must also notify the bank of your exemption claim. There is a tight time frame to do this, so if you have any questions about it, be sure to contact a consumer rights attorney or legal aid.

Social Security retirement and disability benefits and some other forms of federal benefits are protected by federal law, and there are additional protections that can automatically protect exempt federal benefits if the benefits are directly deposited by the federal government into just one bank or credit union account and the balance of that account does not exceed two months' worth of benefits. You may lose these protections if the funds are transferred from the original account to another (automatic SSI deposit into checking, then transfer into savings). You should consult a lawyer if you have questions about whether your earnings or benefits are exempt under Minnesota and/or federal law.

### Can I declare bankruptcy?

Individuals age 18 or older who reside in, do business in, or own property in the United States may file for bankruptcy, providing they meet requirements of the U.S. Bankruptcy Code. Bankruptcy is a complex area of the law and has significant consequences. Therefore, before considering whether you are able to or want to file for bankruptcy, it is strongly recommended that you consult with a bankruptcy attorney.

The consequences of filing for bankruptcy are serious. It will jeopardize your credit rating and ability to borrow money for many years. A consumer's bankruptcy filing may be reported by credit reporting agencies for up to ten years. Bankruptcy may also require you to give up most of your property and assets, unless there are defined as essentials and are exempt under the law.

# Healthcare

## Am I required to have health insurance?

Yes, the health reform law called the Affordable Care Act requires everyone to have health insurance beginning January 1, 2014. This is called the “individual mandate.” However, there are some important exceptions to this requirement: The following people are not subject to the individual mandate:

- those whose income is below the tax filing threshold
- undocumented immigrants
- people who have been uninsured for less than 3 months
- Native Americans
- those who prove economic hardship
- those who establish a religious objection.

Everyone will be required to submit proof of insurance, or proof that they have been determined exempt, when they file their income taxes. Insurance providers will issue a certificate of coverage to everyone covered by one of their health insurance policies. The certificate of coverage will then need to be included with the person’s tax return.

## What happens if I do not have health insurance?

Anyone who fails to get and keep health insurance will pay a penalty. The penalty will be added to the person’s tax liability. In 2017 the fee is calculated 2 different ways—as a percentage of your household income, and per person. You will pay whichever is higher of the two. The percentage of income is 2.5% of household income and per person it is \$695 per adult and \$437.50 per child under 18.

For example, using the per person method, if a family of four with two adults and two children fails to get health insurance, the family will be required to pay a penalty of \$2,265 in 2017.

## What is a health insurance exchange and does Minnesota have one?

A health insurance exchange is a website where people can shop for health insurance. Information about the various insurance plans is provided in a way that allows the customer to make side-by-side comparisons. The shopper can focus on aspects of the coverage most important to him or her such as premium price, covered services, in-network providers, and cost sharing. Once a plan is selected, the shopper can purchase the plan from the website.

The health insurance exchange is also the place where people can apply for public health care programs such as Medical Assistance and MinnesotaCare or for financial assistance to purchase a private policy. Small businesses can also use the exchange to provide health insurance for their employees.

The Affordable Care Act allows states either to establish their own state exchange or to use the federal exchange. Minnesota chose to establish a state health insurance exchange, called MNsure, which is available at [www.mnsure.org](http://www.mnsure.org).

## Who should use MNsure?

MNsure is for anyone who does not have affordable health insurance. Affordable health insurance is defined as insurance that costs less than 9.6% of a person’s income. Those who already have insurance and those who are eligible for affordable coverage from their employer cannot use MNsure. Because Medicare is considered affordable health insurance, seniors and disabled individuals with Medicare cannot use MNsure.

## What do terms like premium, deductible, and co-pays mean?

These terms refer to different things that the person buying insurance must pay. A **premium** is the monthly amount a person pays to purchase the insurance. A **deductible** is the amount the insured person must pay toward medical bills before insurance starts to pay.

A **co-pay** is the portion of the cost the person must pay for a particular service, for example, each office visit.

Every policy will have its own premium, deductible, and co-pay costs, items that are important to consider in choosing an insurance plan. For example, a policy may have a monthly premium of \$200, a \$1,000 deductible, and a \$25 co-pay on doctors’ office visits. The insured person must pay the \$200 premium each month to have coverage. In addition, the person must pay the first \$1,000 in medical bills they receive during the year. Once the deductible is met, the insurance company will pay for the rest of the medical bills except for the co-pay amount. The person will be required to pay \$25 of the cost for each service—such as an office visit—as the co-pay.

- A **premium** is the monthly amount a person pays to purchase the insurance.
- A **deductible** is the amount the insured person must pay toward medical bills before insurance starts to pay.
- A **co-pay** is the portion of the cost the person must pay for a particular service, for example, each office visit.

## What financial assistance is available to help me get health insurance?

There are three different programs that help make insurance more affordable. People with incomes between 0 and 40% of Federal Poverty Guidelines (FPG) may qualify for one of these programs. For a family of four, that is an annual income at or below \$97,200. The three different programs are:

**Medical Assistance:** a no-cost insurance program available to low-income adults and children.

**MinnesotaCare:** a low-cost insurance program available to people with slightly higher incomes. People enrolled in MinnesotaCare pay a monthly premium based on your family's income.

**Advanced Premium Tax Credits (APTC):**

A subsidy available to people whose household income is between 200% and 400% of the Federal Poverty Guidelines (FPG). The amount of the subsidy is determined by the calculation of your Modified Adjusted Gross Income (MAGI) and your household size. The subsidy is used to reduce your monthly premium.

People interested in applying for financial assistance in obtaining health insurance can apply through MNsure. There is one application for all three financial assistance programs. Once the application is completed, MNsure will determine which program a person is eligible to receive. Each person in the household will be approved for the lowest cost program for which they qualify. It is possible that children in the household could be approved for Medical Assistance while adults in the household are approved for MinnesotaCare or APTC.

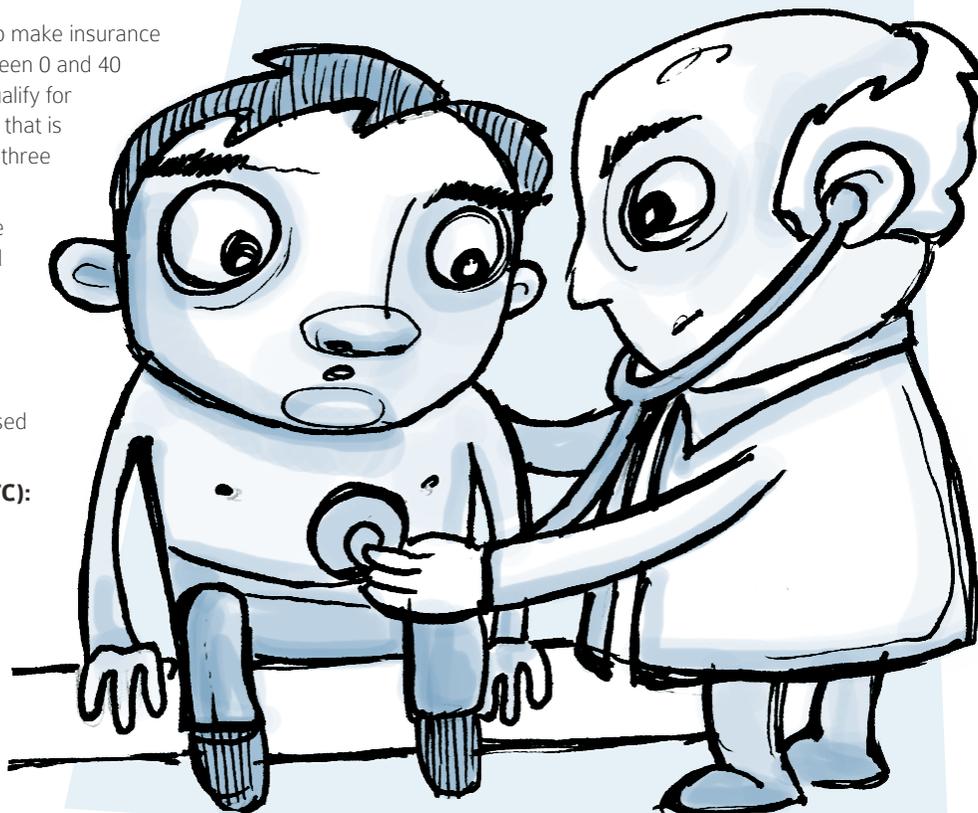
## Can I be denied health insurance because I have a pre-existing condition?

No. The Affordable Care Act prohibits insurance companies from denying coverage to anyone because of a pre-existing condition. In addition, the law also prohibits the insurance company from charging a higher premium to people based on their medical history or current medical condition.

The only health-related factor that an insurance company can use to charge a higher premium is tobacco use. A person who uses tobacco can be charged more than a person who does not use tobacco.

## Can my insurance be canceled if I get sick?

No. The Affordable Care Act prohibits insurance companies from imposing either an annual limit or a life-time limit on coverage. No one can have health insurance canceled because there have been too many claims.



## Are there other significant changes to health insurance that will impact me?

There are additional changes to health insurance that may impact you:

- Children under the age of 26 may stay on their parents' policy regardless of whether they are still attending school.
- All plans must include a basic set of benefits called the Essential Health Benefit set. This benefit set must include preventative care, hospital care, prescription drug coverage, mental health services, chemical dependency services, and rehabilitation and habilitation services.
- All plans must offer coverage for preventative care without deductibles or co-pays.

Most plans will provide women's specific health services without deductibles or co-pays.

**IMPORTANT** - The area of healthcare is always evolving. The information provided on these pages only deals with the Affordable Care Act. It is your responsibility to stay up-to-date on the repeal of the ACA and the actions you need to continue your healthcare coverage.

# Rental Housing

## What is a landlord and what is a tenant?

A landlord is the owner of a house or apartment building that is rented to others to use or live in. Some buildings have managers and caretakers who are not actually the landlord. You become a tenant if you agree to rent a house or an apartment from a landlord. The landlord agrees to let you use the property, and in turn you agree to pay rent.

## What should I do before renting an apartment?

Never rent an apartment without first looking at it. Be sure to see the place at least once in the evening. You can see the parking situation and get a sense for the neighbors. Do not settle for looking at an apartment that someone says is “just like” the apartment being offered to you. If possible, have a private talk with the previous tenant and the people living in neighboring apartments. Try to find out from them if the landlord is fair and concerned about keeping the apartment in good repair. You may also want to have someone experienced in renting apartments visit the premises with you. If your community has a housing inspector, call and find out if the apartment is in good condition and whether the landlord has a bad reputation. If there will be a written lease, read it carefully. Make sure that you understand it and that you can live with it. Also, if you decide to rent the apartment, tell the landlord *in writing* and as soon as possible about any existing damage so that you will not be charged for it when you move out.

## Does a landlord have to rent to me?

No. A landlord is free to refuse to rent to anyone as long as the landlord does not illegally discriminate. In Minnesota, it is illegal to discriminate on the basis of race, color, gender, religion, familial status (families with minor children), national origin, disability, receipt of public assistance, or marital status. Minnesota law also prohibits discrimination on the basis of sexual orientation in most rental situations. If you are illegally discriminated against, seek legal advice or contact the Minnesota Department of Human Rights.

## What is a lease?

A lease is an agreement to rent property. It sets out the rules that bind the landlord and the tenant. It can be in writing, signed by both the landlord and the tenant, or it can be an oral agreement. While an oral lease is binding, having the lease in writing is extremely helpful, as it is easier to prove what was agreed upon.

A written lease can run month-to-month or for a set term (like six months or one year). An oral lease is almost always month-to-month. During the term of the lease (whether one month, six months, a year or some other period), the landlord and tenant cannot change the rules.

Buildings with 12 or more units must use a written lease. If you sign a lease, even if your building has fewer than 12 units, your landlord must give you a copy.

## What are the advantages of having a written lease?

If you have a written lease, your landlord cannot give you a notice to move and cannot raise your rent until the term of the lease ends. Written leases also tell you in advance all the landlord’s rules, and the landlord generally can’t change those rules until the lease term is up.



### Can my landlord increase my rent at any time?

No. The landlord can increase your rent only at the end of the term of your lease. Otherwise, the landlord is bound by the lease, as is the renter. If you are renting from month to month or you do not have a written lease agreement, the landlord must give you the same notice of a rent increase as if he or she were giving you notice to move out.

### Are electricity and other utilities included in my rent?

The lease determines which utilities are included in the rent and which must be paid by the tenant directly to the utility companies. Utilities, which include heat, can be very expensive. Make sure you understand the terms of your lease with regard to these expenses.

### What is a security deposit?

A security deposit is a payment to the landlord that must be returned to the tenant when the tenant moves out, so long as the tenant has paid all the rent and other amounts due under the lease and has not damaged the apartment beyond ordinary wear and tear. Many landlords require a deposit equal to one month's rent. But, for housing that is not subsidized by the government, a landlord and tenant may agree on a deposit of any amount, just as they can agree on any amount for rent. Under Minnesota law, the landlord is required to return your security deposit, if one is owed to you, within three weeks of your vacating the property and telling your landlord where to send the deposit.

### What can I do to make sure I get my security deposit returned to me?

Take pictures the day you move in, especially of any pre-existing damage. You should pay your rent on time, pay any other amounts due under the lease, timely report any pre-existing damage to the apartment, and pay to repair any damage you cause. When you move out, try to do a final walk-through of your unit with your landlord and ask for a copy of any final inspection report that your landlord prepares. If you are worried that your landlord may not return your deposit, take photographs of the apartment to show the condition you left it in. Be sure to give the landlord your new address where the deposit can be sent to you. If the landlord does not return the deposit, you can sue to get the deposit back. The landlord may be subject to penalties for failing to return the deposit on time. You may wish to seek legal advice if such a situation arises. Many tenants bring security deposit lawsuits in conciliation court (also known as small claims court).

### When can a landlord enter my apartment?

Your landlord can enter your unit for "reasonable business purposes." Examples of this include fixing something in your unit, showing your unit to a prospective tenant, and letting inspectors in. Your landlord must give you "reasonable" advance notice that he or she will be entering your unit, unless there's an emergency.

### Can I be charged a late fee if I pay my rent late?

You can be charged a reasonable late fee if the lease allows it. Late fees are capped at 8% of the past-due rent, and late fee provisions must be in writing. (Subsidized housing may have different late-fee rules.) More important than late fees, though, you can be evicted if you do not pay your rent on time. It is a good idea to let your landlord know if you will be late with your payment. A landlord may be willing to wait a reasonable time and delay taking steps to evict you.

### If I sign a lease with three friends and they move out, do I have to pay the full rent or only my quarter share?

You are liable for the full rent, unless your landlord rented to each of you separately. Most leases these days say that each tenant is "jointly and severally liable" for the rent. This means that you have to pay the entire amount if your friends move out or if they don't pay their portion of the rent. Also, remember that you will need the landlord's permission to get new roommates.

### How much notice do I have to give if I want to move out?

The answer depends upon your lease. If you have a term lease, say six months or a year, the lease will tell you if it simply ends at the end of the term or if you have to give some kind of notice before the end of the term. In some written leases, the landlord and tenant agree that the lease will be automatically renewed if the tenant does not give notice that the tenant is moving. In "automatic renewal" situations, state law requires the landlord to remind the tenant that the tenant must give a notice to move out and end the lease. If the landlord does not give the tenant advance warning of the automatic renewal, the lease will not automatically renew.

In most but not all month-to-month leases, you must give a full month's written notice to move out. Most month-to-month leases always end on the last day of the month, and the notice must be given before the beginning of the last month. For example, if you want to move on May 31, your landlord must receive your notice to move no later than April 30. Your landlord also must give you a month's notice to make you move or to raise your rent.

Make sure to read your lease before giving a notice to move, as your lease will control the length of notice that you have to give.

### Can I sublet my apartment and end my responsibility to pay rent?

No. You still owe rent until your lease ends. Subletting may be a good way to cover your rent if you have to move, but you are still liable for the rent if the person you sublet to fails to pay. Many leases forbid subletting unless the landlord agrees. It is usually safer to get the landlord to agree to end your lease and rent directly to the person you want to sublet to.

### What happens if I break a lease and move out early?

Be sure to talk to the landlord about breaking a lease up front. Sometimes, a tenant can buy their way out. Also, there are circumstances that end the lease whether the landlord allows it or not: domestic abuse, constructive eviction, military call-up or transfer, or death. If you move out before your lease term ends, your landlord may sue you in court for the amount of unpaid rent owed.

### What happens if I violate the lease?

If you violate your lease, your landlord can file an eviction action against you. For example, if your written lease says “no pets,” and you get a dog, your landlord can file an eviction action. There are some things no tenant can do, regardless of whether there is a written lease. For example, any tenant in Minnesota can be evicted if he or she has drugs, including marijuana, in the apartment.

### What is an eviction action?

An eviction action is a lawsuit where a landlord asks the court for an order telling the sheriff to physically remove the tenant from the unit. (This used to be called an unlawful detainer or “UD.”) Eviction actions can be filed against tenants who don’t pay their rent, violate their leases, or stay in an apartment after the lease ends.

If your landlord files an eviction action against you, you will be given a court date, which is the day you go to court and tell the judge your side of the story. It is a very good idea to get legal advice if your landlord files an eviction action against you. If you lose the eviction action or don’t show up in court, the judge will give the landlord a “writ of recovery,” which tells the sheriff to remove you from the unit. The sheriff must first serve or post a 24-hour notice before removing a tenant from the property.

Eviction actions are very bad for tenants’ rental records. It is a good idea to avoid them by paying rent on time and by obeying the terms of your lease.

### Can a landlord ever lock me out of my apartment?

A landlord cannot physically remove you or lock you out of your apartment without first winning an eviction action and then having a law enforcement officer carry out a writ of recovery if you do not voluntarily move. If you are locked out of your apartment or if your landlord turns off your utilities or removes your door to make you move, you should seek legal help immediately.

### What can I do if my landlord refuses to make repairs?

Your landlord has a duty to keep your apartment in good repair. If the apartment is not kept up, contact the housing inspector if your community has one. First, write a “request for repairs” letter to your landlord. If your landlord won’t fix your unit, you can sue him or her in a “rent escrow action” and ask the court to make the landlord fix the place.

Sometimes tenants withhold their rent if the landlord will not make repairs. This is only recommended in extreme situations. If you do this, do not spend the rent, as you will have to pay it into court if the landlord files an eviction action for nonpayment of rent. Remember, though, that eviction actions are bad for tenants’ records, so it is better to bring a rent escrow action rather than to withhold rent.

It is illegal for your landlord to evict you for trying to enforce your rights as a tenant. If you believe that your landlord has done something to you (for example, filed an eviction action) because you complained about repairs, you should seek legal advice.

### Can I make my own repairs and then deduct the cost from my rent?

No. You may not legally do this unless your landlord agrees in writing and in advance or unless you are allowed to do so by a court order.

### What is renter’s insurance?

Renter’s insurance is insurance on your possessions in the residence. The landlord probably carries insurance on the building itself, but in most cases, your landlord is not responsible for your property in the event of fire, accident, or theft. It is a good idea to get renter’s insurance, although it is not required by law. Some landlords may require that all tenants carry renter’s insurance.

### Do these rules apply to mobile homes?

Many of the same rules discussed here apply to renting mobile homes. But, mobile home renters have some special rights. For example, your agreement with the park must be in writing. All park rules must be reasonable. State law limits the kinds of fees that can be charged to mobile home park renters, and it limits the reasons for which you can be asked to move. Mobile home park renters should get legal advice about these special rights.

### Where can I find out more about my rights as a tenant?

You can ask an attorney for advice. You can also talk to the Minnesota Attorney General’s office. If you meet the income guidelines, you can contact your local legal aid office.

### Can my parents charge me for rent, food, and other expenses?

If you are over 18, you are no longer entitled to be furnished with food, clothing, or shelter by your parents. They are free to charge you for room and board, and they are free to enter into any other lawful agreement with you about the use of their home, meals, use of their car, and other such expenses.

# Automobiles & Driving

## Must I have a license to operate any vehicles other than a car (such as a moped, boat, motorcycle, or snowmobile)?

Yes. Minnesota law prohibits a person from driving “any motor vehicle upon any street or highway” unless the person has a valid permit or license for the class of vehicle being driven. The law defines “motor vehicle” to include all-terrain vehicles (ATVs), motorcycles, snowmobiles, and other “self-propelled” land vehicles. Any resident born since 1976 who operates a snowmobile in Minnesota must possess either a valid snowmobile safety certificate or a driver’s license that has a valid snowmobile qualification indicator permit.

The law also requires the driver of any three-wheeled vehicle (such as an autocycle or motorcycle with a sidecar), motorcycle, motor scooter, or motorbike on a street or highway to have a valid driver’s license with a three-wheeled or two-wheeled vehicle (i.e., motorcycle) endorsement. The law also allows a “motorized bicycle” (i.e., moped) to be operated by anyone with either a driver’s license or a moped permit, which is available to anyone age 15 years or older.

With regard to boats, the law requires persons between the ages of 12 and 18 to hold a valid watercraft operator’s permit when operating any motorboat with a 26 horsepower or larger motor unless there is a person age 21 or older in the motorboat within immediate reach of the controls.

A permit is also required for a person between the ages of 13 and 18 to operate a “jet ski” or “personal watercraft” unless there is a person 21 year of age or older on board the craft.



## Am I required to carry my driver’s license with me whenever I am driving?

Yes. Minnesota law requires every driver to have a license in his or her immediate possession at all times when operating a motor vehicle and to display it upon demand by an officer authorized to enforce laws relating to the operation of motor vehicles.

## Must I have a license if the vehicle is used on my own property or property of a friend?

Minnesota law does not require a driver’s license in order to drive a motor vehicle on private property. If, however, the person’s driver’s license is suspended, revoked, or canceled, the law forbids operating any motor vehicle anywhere in the state, including on private property.

## What if I drive after my license has been suspended?

Minnesota law makes it a misdemeanor to drive after suspension, revocation, or cancellation. Accordingly, the maximum sentence would be 90 days in jail and a fine of \$1,000. In addition, a conviction will often result in a further suspension of the driver’s license.

Driving after cancellation may be a gross misdemeanor (up to one-year in jail and \$3,000 fine) if the driver’s license was canceled for being “inimical [i.e. harmful] to the public safety,” which generally means you have had multiple alcohol-involved violations.

### Am I required to wear a seat belt or a helmet when I operate motor vehicles?

Minnesota law requires all occupants to wear a properly fastened and adjusted seat and shoulder belt. A child under eight years of age riding as a passenger in a vehicle must be secured in a certified child restraint system, unless the child is 4'9" or taller.

The law also requires drivers of "motorized bicycles" and motorcycles to wear protective headgear (a helmet) until the age of 18. All motorcycle operators, regardless of age, must wear protective eye devices.

Properly licensed motorcyclists are not required by law in Minnesota to wear helmets, but because serious head injury is common among fatally injured motorcyclists, helmet use is important. The National Highway Traffic Safety Administration reports that helmets are about 29 percent effective in preventing motorcycle deaths and about 67 percent effective in preventing brain injuries. A motorcycle helmet can help prevent serious injury or death in even a low speed accident.

### At what age can I own my own car?

In general, a person must be 18 or older to own a car. Under Minnesota law, persons under the age of 18 may own a car if:

- that person is seventeen and has completed a driver's training course
- the person is seventeen and a high school graduate
- the person is an employed, emancipated minor with a Minnesota driver's license
- the person became a car owner while a resident of another state or country, and the car is registered in the person's name in the other state or country.

### What is a "title" to a car and do I need the title if I own a car?

A title is the official document produced by the state describing the serial number, make of car, owner, and other pertinent information. Every car is required to have such a title, which must reflect the current owner.

When you buy a car, the seller must sign the title document and give it to you. You must file the document with the Minnesota Department of Public Safety and pay the appropriate fees. If this is not done, the prior owner of the car continues to hold title and may be found legally responsible for the vehicle.

The Certificate of Title is "prima facie evidence" of ownership, meaning that the true owner of the car can be legally presumed to be the person listed on the title unless someone is able to prove otherwise in court. It is important to transfer the Certificate of Title immediately upon sale or purchase of a car, for many reasons.

### If I obtain a car loan, what rights does the bank have over my car?

If you purchase your car with a loan, the bank will have what is called a security interest in your car. Such an interest makes the car collateral for the loan. If you default on the loan, the bank may repossess and

resell the car, and sue for any amount of the unpaid loan it does not collect in the resale. The bank may also require the owner to carry insurance on the car so that if the car is damaged, the bank's interest in the car will be protected.

### Does Minnesota require me to carry car insurance?

Yes. Minnesota law requires the owner of every motor vehicle to carry insurance, and to carry proof that the vehicle is insured. Failure to produce proof of insurance when demanded by an enforcement officer may result in a criminal charge and/or revocation of the driver's license.

### If I am in an accident and do not have insurance, what penalties do I face?

Failure to have car insurance is a misdemeanor. The maximum sentence for a misdemeanor is 90 days in jail and a fine of \$1,000. Furthermore, if you are involved in an accident and do not have insurance, you might be required to pay any out-of-pocket expenses incurred by the other driver. In addition, a conviction results in a mandatory revocation of driver's license. You can be charged with driving without insurance even if there is no accident.

Also, if you do not have car insurance, you would not have coverage to pay for a lawyer to defend you in a civil lawsuit for injuries, or to help pay any court judgment for money damages.

### What other necessary requirements and expenses are involved in owning a car?

Other expenses include the cost of keeping your car in proper operating condition, paying for vehicle registration, and paying yearly personal property taxes and licensing fees.

### What must I do if I am involved in a car accident?

Minnesota law requires the driver of any vehicle involved in an accident resulting in death, personal injury, or property damage to stop at or as close as possible to the accident scene and stay at the accident scene until all the required information has been given. Any victims, drivers, occupants of vehicles, or police officers at the scene investigating the accident must be given the driver's name, address, and date of birth; the vehicle's registration number; the name and address of the insurer of the vehicle; and the name of the insurance agent. The driver must also render reasonable assistance to any person injured in the accident.

If the driver strikes an unattended vehicle or other private property, the driver must locate the owner, notify the police or leave a note on the car with identifying information.

If the accident results in personal injury or death, the driver must also notify the police. If the accident results in personal injury or death to any person or total property damage of \$1,000 or more, the driver must also complete an accident report form and send it to the Minnesota Commissioner of Public Safety.

Failure to comply with any of these requirements can result in criminal charges ranging from a misdemeanor to a felony, depending on the severity of the accident and the specific violation. The maximum possible sentence can range from 90 days in jail and a fine of \$1,000 to

ten years in prison and a fine of \$20,000. In addition, such a conviction can result in the loss of your driver's license.

### What is the "Not-a-Drop" Law?

It is a misdemeanor offense punishable by up to 90 days in jail and a \$1000 fine for a person under the age of 21 years to drive, operate, or be in physical control of a motor vehicle while consuming alcoholic beverages, or after consuming alcoholic beverages while there is physical evidence of consumption present in the driver's body. An offender will also suffer a 30-day license suspension for a first offense and a 180-day suspension for a repeat offense.

### What is "driving under the influence"?

It is a crime to drive, operate, or be in physical control of a motor vehicle while under the influence of alcohol or controlled substances, i.e. drugs. This is often referred to as DWI, "driving while impaired." Conversationally this is also called "DWI—driving while intoxicated" or "DUI—driving under the influence."

It is also a crime to drive if your blood alcohol concentration is at or over the per se alcohol concentration limit. The "per se" limit refers to the alcohol concentration in your bloodstream, even if that alcohol level has not overtly impaired your driving ability. In Minnesota, the blood alcohol limit is 0.08% within two hours of driving.

Everyone reacts to alcohol differently, and the amount of alcohol that must be consumed to put you "under the influence" varies from person to person depending upon body size, metabolism rates, and other factors. Therefore, it is important to keep track of how much you have had to drink and to "know your limit" under the law, rather than to simply drive if you "feel okay to drive."

A person charged with criminal offenses in a DWI case will typically be charged with both "driving-while-impaired" and the per se crime of driving at "0.08 or more alcohol concentration."

Any individual 16 years of age or older charged with driving while impaired will appear in adult court rather than juvenile court.

### What penalties exist for alcohol-related driving offenses?

Minnesota categorizes driving-while-impaired (DWI) crimes as "first-degree," "second-degree," "third-degree," and "fourth degree," with first-degree being the most serious. The degree of the offense depends on the number of "aggravating factors."

If you are charged with a DWI crime with certain "aggravating factors," the severity of the criminal charge will be worse and the penalties more severe. These aggravating factors include prior impaired driving incidents within ten years, having an alcohol concentration of 0.20% within two hours of driving, and having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender.

A fourth-degree DWI crime involves no aggravating factors, and is a misdemeanor (90 days in jail and \$1,000 fine maximum). A third-degree DWI crime involves one aggravating factor, and a second-degree DWI crime involves two or more aggravating factors. Both are classified as gross misdemeanors (up to one year in jail and \$3,000 fine



maximum). A first-degree DWI crime is when there are four or more DWI convictions during a ten-year period or when there has ever been a previous felony conviction. First-degree DWI is a felony (and involves mandatory imprisonment of not less than three years and up to seven years, and a fine of up to \$14,000).

If an arresting officer has reason to believe that the offense is either "first" or "second" degree, the driver will be taken into custody and detained until the first court appearance.

If the DWI crime results in "substantial bodily harm," "great bodily harm," or death to a person or unborn child, the crime is deemed to be a felony with a maximum sentence varying from three to ten years in prison and fines up to \$20,000.

There are also mandatory minimum sentences if convicted for a DWI crime within ten years of a prior DWI crime or alcohol-related license revocation. In addition to criminal penalties, there are administrative sanctions where the offender's driver's license can be revoked for varying periods of time.

Since 2011, eligible offenders have the option of participating in the Minnesota Ignition Interlock Device Program. The ignition interlock device program gives the eligible alcohol offender the option of having an ignition interlock device installed on his or her vehicle, helping to ensure legal driving. The device prevents a vehicle from starting if it detects a certain alcohol level concentration after the driver blows into a tube. The device is installed near the steering wheel and connected to the engine.

Current license revocation and reinstatement rules are as follows:

A first alcohol offense with an alcohol concentration under 0.16 results in a 90-day loss of driving privileges. If you are under the age of 21, the number of days increases to 180. Options available to such offenders are:

- an ignition interlock restricted license with full Class D driving privileges;
- after a 15-day waiting period of no driving, a limited license will be issued allowing a person to drive to/from work, school, treatment, abstinence-based support group meetings, court appearances, and probation meetings for up to 60 hours and 6 days per week; or
- no driving for the 90 day period.

A first alcohol offense with an alcohol concentration 0.16 or greater, or refusal to test, results in a one-year loss of driving privileges. Options available to such offenders are:

- an ignition interlock restricted license with full Class D privileges; or
- no driving for the one year period.

A second alcohol offense in 10 years or a third offense on record with an alcohol concentration level *under* 0.16 results in a one-year loss of driving privileges. Options available to such offenders are:

- an ignition interlock restricted license with full Class D privileges; or
- no driving for the one-year period.

A second alcohol offense in 10 years or third offense on record with an

alcohol concentration level 0.16 or greater, or refusal to test, results in a two-year loss of driving privileges. Options available for such offenders are:

- an ignition interlock restricted license with full Class D privileges; or
- no driving for the two-year period.

A third offense within 10 years or fourth on record results in a three-year minimum loss of driving privileges. A fourth offense within 10 year results in a four-year minimum loss of driving privileges. A fifth or subsequent offense results in a six-year minimum loss of driving privileges. All driving privileges of such repeat offenders are considered canceled and denied as "inimical [i.e. harmful] to public safety." Reinstatement requirements are:

- mandatory ignition interlock installed for the entire revocation period
- limited license for the first year of ignition interlock or until treatment is completed whichever is longer
- restricted license issued after one year of limited license, and once treatment is completed, full Class D driving privileges may be allowed, but with restriction to driving a vehicle with an ignition interlock device installed.

Any failed tests require the person to start the process over with a limited license, complete another chemical health assessment, and comply with the requirements of the assessment.

Along with the revocation of driving privileges, certain offenders are subject to other civil sanctions including the impoundment of their

Classification of DWIs is related to the number of "aggravating factors." Aggravating factors include: prior impaired driving incidents within ten years, having an alcohol concentration of 0.20% within two hours of driving, and having a child under the age of 16 in the vehicle if the child is more than three years younger than the driver."

If the DWI incident results in "substantial bodily harm," "great bodily harm," or death to a person or unborn child, the crime is deemed to be a felony, with punishment of three to ten years in prison and fines up to \$20,000.

**Fourth degree** Includes no aggravating factors. This is a misdemeanor, with sentencing up to 90 days in jail and a \$1,000 fine.

**Third degree** Includes one aggravating factor. This is a gross misdemeanor, with sentencing up to one year in jail and \$3,000 maximum fine.

**Second degree** Includes two or more aggravating factors. This is a gross misdemeanor, with sentencing up to one year in jail and \$3,000 maximum fine. Driver will be taken into custody.

**First degree** Includes four or more aggravating factors. This is a felony that requires mandatory imprisonment of not less than three years and up to seven years, and a fine of up to \$14,000. Driver will be taken into custody.

license plates and the requirement to obtain special registration or “whiskey plates,” which by their numbering system identify the owner to law-enforcement personnel as one who has a history of impaired driving, or even the seizure and forfeiture of their vehicle.

DWI law is complex and continually evolving, and if you are facing a DWI charge, it is important to discuss your individual circumstances with a criminal defense attorney.

### Do I need a lawyer if I am detained by the police?

A lawyer’s advice can help protect you as you face police requests to provide breath, urine, or blood samples, perform field exercises, and answer questions. Lawyers are generally available to answer calls—even in the middle of the night—from DWI suspects calling from police stations. While police must read an “implied consent advisory,” they should not give you legal advice since it would be a conflict of interest to do so.

### If arrested by the police for DWI, must I submit to alcohol testing?

You may decline to submit to testing, but if you refuse to be tested, your license may be administratively revoked, and you may be subjected to various criminal and administrative penalties. However, if you submit to chemical testing and the analysis reports that you are over the per se limit for alcohol, your license may also be administratively revoked and you may be subjected to various criminal and administrative penalties.

Consulting with a lawyer before deciding whether to submit to chemical testing by police will help you protect your rights.

Minnesota’s implied consent law provides that by driving on Minnesota public roads, the driver agrees to provide a breath, blood, or urine sample for testing when an officer has probable cause to believe that the driver is impaired because of the consumption of alcohol or the use of other drugs.

In the ordinary case, police officers will not normally take blood or urine tests by force. Where the incident involves personal injury or death, however, and where the officer has probable cause to believe that the person has been driving while impaired by alcohol or controlled substances, a sample can be taken by force and without consent for testing.

### Are penalties for driving under the influence of illegal drugs the same as for driving under the influence of alcohol?

Yes, the penalties for driving while under the influence of a controlled substance or a combination of alcohol and a controlled substance are generally the same. Drug-recognition trained police officers are used to identify the use of drugs other than alcohol.

You are not required to perform any field exercises or eye exercises requested by police. If requested to do so, you can refuse unless you are allowed to speak with a lawyer first.

If you possess or sell illegal drugs while driving a vehicle (other than 1.5 ounces of marijuana or less in the car’s trunk), your license will be revoked for 30 days.

### Is the driving record of a minor wiped clean at age 18?

DWI criminal convictions remain on your public court record permanently; they are not erased from your record when you turn 18. Also, DWI criminal convictions and alcohol-related driver’s license revocations will remain on your driving record with the Minnesota Department of Public Safety for at least 15 years for a single such event, and permanently if there has been more than one event. This is not affected by turning 18 years of age.

Impaired driving-related convictions and driver’s license revocations accumulate over time and make subsequent impaired driving convictions and license revocations all the more serious in terms of criminal charges, revocation periods, and fines. Drivers convicted of driving while intoxicated also face dramatically increased insurance costs and reduced quality of auto insurance. They may be required to undergo chemical dependency assessment and treatment. They also must pay significant reinstatement fees to regain their driver’s licenses, if they can.

Generally, after three impaired driving convictions or license revocations within 10 years, or four in a lifetime, violators lose their normal driver’s licenses for life. In order to regain legal driving privileges, one must then fulfill very stringent requirements. If there are additional violations, the individual can reach a stage where he or she will never again be able to legally drive in the United States under any circumstances.

### Is it legal to hitchhike or pick up hitchhikers in Minnesota?

Minnesota law does not expressly prohibit hitchhiking or giving hitchhikers a ride, but it does prohibit standing in a roadway to solicit a ride. The term “roadway” does not include sidewalks or shoulders.

### Is it illegal to text and drive?

Yes. Text messaging, emailing, or accessing the Internet on a wireless device when the vehicle is moving or a part of traffic is against the law in Minnesota; violation of the law is subject to a \$50 fine and possibly court fees. A person who commits two or more violations will be required to pay a \$225 fine in addition to the fine specified by the court.

### Is it illegal to wear headphones and drive?

Yes, Minnesota law prohibits driving while wearing headphones or earphones that are used in both ears simultaneously; violation is a petty misdemeanor which carries a maximum fine of \$300.

### Is it illegal to hang things like fuzzy dice or air fresheners from the car’s rear-view mirror?

Yes, Minnesota law prohibits a person from driving any vehicle with any objects suspended between the driver and the windshield other than: sun visors, rear view mirrors, driver feedback and safety-monitoring equipment when mounted immediately behind, slightly above, or slightly below the rear-view mirror, global positioning systems (GPS) or navigation systems when mounted or located near the bottommost portion of the windshield and electronic toll collection devices. A violation is a petty misdemeanor offense which carries a maximum fine of \$300.

### What is a provisional driver's license?

Minnesota and many other states have adopted a Graduated Driver Licensing Program in order to help overcome issues of young drivers as they get their first licenses. In Minnesota, a young person must first receive an instruction permit, then a provisional license, and finally an unrestricted license. After at least twelve months with a provisional license, which is valid for up to two years, without any tickets or accidents, or once the young driver is 18 years old, he or she is eligible for an unrestricted license, which will expire at 21.

### What restrictions are in place for provisional license holders?

For the first six months that you have a provisional license you may not drive a motor vehicle carrying more than one passenger under the age of 20 who is not a member of your immediate family. For the second six months you may not drive a motor vehicle that is carrying more than three passengers who are under the age of 20 and not a member of your immediate family. Also, for the first six months of having a provisional license, you may not drive between the hours of midnight and 5 a.m. unless you are driving between home and your place of employment; driving between home and a school event for which school has not provided transportation; driving for employment purposes; or driving with a licensed driver at least 25 years of age.

### Can I talk on my cell phone while I drive?

The holder of a provisional license may not drive a motor vehicle while using a cellular or wireless telephone (including a hands-free device). Violation of the law is a petty misdemeanor which carries a maximum fine of \$300. With an unrestricted drivers license, one may use a cell phone, but only if it does not result in distracted driving.

### What is the "Move Over" law?

When approaching and before passing an authorized emergency vehicle with its emergency lights activated that is parked or otherwise stopped on or next to a street or highway having two lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane farthest away from the emergency vehicle if it is possible to do so. A violation is a petty misdemeanor level offense with a maximum fine of \$300.

### What happens to my license if I get a lot of tickets or drive really fast?

Convictions for four moving violations within a 12-month period or five violations within a 24-month period will result in a 30-day license suspension. A conviction for speeding in excess of 100 miles per hour will result in a 6-month license revocation.

# Criminal Law

## CRIME AND PUNISHMENT

### What is a crime?

Crime means conduct by a person that is against the law. If someone commits a crime, the penalties can vary significantly ranging from a fine to serving time in prison to repairing damage that was done, such as cleaning graffiti.

### What are the different kinds of crimes?

The Minnesota criminal code, traffic code, related statutes, and various city ordinances create four levels of crimes ranging from least serious to most serious:

A **petty misdemeanor** is not technically a crime. It is a non-criminal offense for which a person may be required to pay a fine of up to \$300. Petty misdemeanors can include minor traffic violations.

A **misdemeanor** is a crime. If convicted of a misdemeanor offense, a person might be sent to jail for up to 90 days and fined up to \$1,000. Misdemeanors can include certain Driving-While-Impaired (DWI) violations, certain assaults, certain thefts, certain prostitution offenses, driving without motor vehicle insurance, and driving after suspension or revocation of a driver's license.

A **gross misdemeanor** is a crime for which a person can be sent to jail for up to one year and fined up to \$3,000. Gross misdemeanors can include certain DWI offenses, certain assaults, and some prostitution offenses.

The most serious offense is a **felony** for which a person can be sent to prison for more than one year. Felonies can include such crimes as burglary, most criminal sexual conduct crimes, certain theft crimes, robbery, and serious assault crimes.

Sentences of more than one year are served in state prison, while sentences of one year or less are generally served in the county jail or workhouse.

## THE CRIMINAL COURT SYSTEM

### What happens if I am charged with committing a crime?

Generally, any person under 18 years of age who commits a crime is assigned to the juvenile court system, and anyone 18 years of age or older is subject to the adult court system. Some people under age 18 may also go to adult court, as discussed below. Breaking federal laws can result in criminal prosecution in the federal rather than state court system.

If you are charged with a crime, there are penalties that may be imposed on you, such as having to pay a fine or go to jail or prison. In a criminal case, the plaintiff is the State of Minnesota (or other government entity), and that entity brings the charges against you, the defendant. Usually the location of the court is in the county where the crime occurred. You have certain constitutional rights as a defendant in a criminal case including a right to a lawyer, and the right to be presumed innocent.

The court procedures are slightly different depending on the seriousness of the crime charged. You will likely have to show up to court in order to challenge the charges against you. Depending on how serious the crime is, there may be more court hearings to go to.

Your case will continue until it is resolved. It can be resolved in a number of ways. The government might dismiss the case if the prosecutor does not have enough evidence to go forward. You (or your attorney on your behalf) could negotiate with the government and work out an agreement, or you can have a trial to decide whether you committed the crime.

### Do I have the right to an attorney?

If you are accused of committing a misdemeanor, gross misdemeanor, or felony level crime that could be punished with jail or prison, then you have the right to be represented by an attorney. This means that you can hire a private attorney or, if you cannot afford to hire an attorney, the court will appoint an attorney to defend you—a public defender. The court will determine if you qualify for a free public defender by looking at factors such as how much money you earn.

### Does the government have an attorney also?

Yes. The government will be represented by a prosecutor who handles criminal cases. The prosecutor may be a county attorney or a city attorney.

### Do I have a right to a jury trial?

Yes. If you are accused of committing a misdemeanor, gross misdemeanor, or felony level offense, you have the right to have a jury trial. During a jury trial, people from the community selected randomly will serve as the jurors on your case and will decide if you are guilty or not guilty of the crime. Alternatively, you can choose to have a court or “bench” trial with only the judge to make the decision.

During a jury trial, the government has the burden of proving “beyond a reasonable doubt” that you are guilty. You cannot be convicted unless the jury members are all in agreement, that is, they reach a unanimous verdict.

## JUVENILE COURT

### Do some crimes only apply to juveniles?

Juvenile offenses are divided into two categories: non-status offenses and status offenses.

Non-status offenses are those that would also be against the law if done by an adult.

Status offenses are those that are against the law just because of age.

Common status offenses include:

**Violation of curfew:** There are no statewide curfew restrictions for minors. However, cities can have their own local curfew laws. Also, each county can have county-wide curfews for minors. Hennepin County, for example, has its own county-wide curfew that limits how late juveniles can be out. Even in places where there are local curfews, the curfew rules will not be enforced in cases of emergencies or when the juvenile is with a parent, guardian, or other responsible adult.

**Tuancy:** This is the continued failure to attend school.

### How do courts handle crimes by juveniles differently than crimes by adults?

The Minnesota Juvenile Code controls what happens when crimes are committed by minors (people younger than 18 years of age). Different treatment is usually given to minors. Juvenile court focuses more on guidance and rehabilitation than adult court.

In most cases, juveniles who commit crimes go to juvenile court, but there are some exceptions depending on the juvenile's age and how serious the crime is. In circumstances where a juvenile is treated as an adult by the criminal justice system, the juvenile goes to an adult court and receives an adult punishment. For example, if a child 16 years of age or older is accused of committing murder in the first degree, the case can be held in adult court.

Typically, the more serious the crime (e.g., crimes of violence such as sexual assault, robbery, extortion, kidnapping, and murder), the more

likely the court will consider the juvenile in the same manner as an adult. Once juveniles are treated as adults by the criminal justice system for a certain crime, they usually will be treated as adults in all future criminal proceedings.

If a minor is 14 years of age or older and commits a serious crime, he or she may be placed in "extended juvenile jurisdiction" (EJJ). This means that the juvenile court will treat the juvenile as an adult and impose adult penalties.

In EJJ cases, the juvenile has a right to a jury trial. If convicted, the minor receives two sentences. One is a juvenile sentence. The other is an adult sentence that is put on hold. The juvenile is usually then given conditions to follow. If the individual fails to follow those conditions, the court may impose the adult sentence.

The juvenile court also has the ability to "certify" a juvenile to adult court under specific circumstances. The juvenile must be at least 14 years old and be accused of committing an offense that would be a felony if committed by an adult. In certain cases, it can be presumed that a case involving a juvenile will be certified to adult court. This would be if the juvenile was 16 or 17 years old, and is charged with committing either a crime for which a person sentenced could be imprisoned or for a felony involving a gun.

To decide if it would be best for public safety to certify the juvenile, the court will look at many factors, including how serious the crime is and the juvenile's prior criminal record.

### Does a juvenile have a right to an attorney, and to be tried by a jury?

A minor has the right to be represented by an attorney in any proceeding in juvenile court or adult court. However, for petty misdemeanor cases, a juvenile has the right to have an attorney, but not one provided at the public's expense. So, juveniles are not provided public defenders in petty matters.

In order to protect the juvenile's rights, the law requires that a juvenile charged in a delinquency petition with a misdemeanor must talk with

## FOUR LEVELS OF CRIME

**Petty misdemeanor** is not technically a crime. These are non-criminal offenses carrying a penalty of up to \$300. May include some driving offenses. No criminal record.

**Misdemeanor** is a crime that carries a penalty of up to 90 days in jail and/or a fine up to \$1,000.

**Gross misdemeanor** is a crime that carries a penalty of up to one year in jail and/or a fine up to \$3,000.

**Felony** is a crime that carries prison time for more than one year. Sentences of more than one year are served in state prison, while shorter sentences are generally served in the county jail or workhouse.

an attorney before giving up the right to be represented by a lawyer, or before making any kind of plea in court. If the juvenile gives up the right to an attorney after being charged with a gross misdemeanor or felony crime or where the juvenile could be taken out of the home, the juvenile court must appoint a “standby” attorney. Also, in a delinquency or EJJ case, the juvenile’s parent or guardian must come to each court hearing unless excused by the court.

If the juvenile has committed a crime that is not handled in the juvenile court or the matter has been certified to adult court, or if extended juvenile jurisdiction prosecution is used by the court, then the juvenile has the right to a trial by jury. The same basic rules apply to a juvenile criminal trial as in an adult criminal trial. The juvenile cannot be convicted unless the jury is able to reach a unanimous verdict. The government has the burden of proving the juvenile is guilty “beyond a reasonable doubt.”

## INTERACTING WITH THE POLICE

### If I am a minor, can the police make me leave a public place?

Yes, under some conditions, they can. If you are in a public place after the legal time set by the local government’s ordinance, the police have a right to force you to leave for violation of curfew. Also, you can be forced to leave a public place if you are engaging in disorderly conduct such as fighting, using offensive, obscene, or abusive language, or if you are acting in a boisterous and noisy way that could cause alarm, anger, or resentment in others.

One of the most common places police officers force minors to leave is a shopping mall. A shopping center may be private property with some legal aspects of a “public place.” Not only can police officers force you to leave if you are causing some sort of disturbance, but security personnel at the private property also have the right to make you leave even though that property is normally open to the public.

### If I am a minor, can police take my picture without my permission?

Your picture may be taken without your permission by police if you are arrested for committing a crime. If arrested, you will be taken through what is called a booking process. This is where the police collect identifying information such as fingerprints and take a photograph of you. Any picture taken of a juvenile by police must be destroyed before the juvenile turns 19 years old.

### When can police take money from me?

For both adults and minors, after an arrest and during the booking process, a police officer conducts an inventory of any personal belongings that you have with you at the time of your arrest. The purpose of this inventory and collecting personal items is to prevent any of your belongings from becoming lost or misplaced. The police temporarily hold items and return them to you when you are released. The police are not entitled to keep your property unless it is contraband (illegal substances).

If you gain money or other property from criminal activity, the police may seek forfeiture (where you permanently lose the property). They can then keep the property if you do not challenge the forfeiture.

Police may also temporarily hold property as evidence for use at trial in a pending case. You may challenge these actions in court. If police take or keep your property, you should talk to a lawyer quickly before time limits expire on pursuing a challenge in court.

### Do I need to carry identification with me always?

No. For both adults and minors, if a police officer has reason to suspect that a crime has occurred and reason to suspect that you committed the crime, the officer has the right to stop you for questioning and to ask for an explanation of your conduct. But you have the right not to say anything to the police officer upon questioning.

The police also can ask that you produce identification. Unless driving, you do not have to give it to them. If you do not have a form of identification with you, this is not a crime. In any event, never give the police officer a false name or a name of another person, because that is a crime. If an officer questions you regarding your name and address and the reasons why you are there, either be truthful or remain silent, but do not lie.

You must, however, carry identification when you are driving a motor vehicle. Under Minnesota law, every person with a driver’s license must have the license in immediate possession at all times when operating a motor vehicle and must show it to police if they ask for it.



## How cooperative must I be with the police?

In any encounter with a police officer, regardless of whether you are an adult or a minor, keep in mind that ordinarily the officer will not know who you are. The quickest way to guarantee your arrest is to act in a belligerent or hostile manner toward the police officer. Doing so can only worsen your situation. In general, it is best to remain calm and courteous to avoid unnecessary escalation of hostilities.

Police officers have the right to stop and briefly detain you if they suspect that a crime is about to occur or has occurred, and that you are involved in that crime.

Any time a police officer attempts to stop you, you should stop. However, you are not required to answer police questions if you are stopped or suspected of a crime. By resisting arrest or fleeing a police officer, you are committing additional crimes which may lead to a forceful apprehension. If you are polite and well-mannered, you are less likely to be injured or further restrained, or have additional criminal charges filed against you.

If suspected of a crime or arrested, you should remain calm and avoid talking to anyone other than your attorney. You can refuse to answer any questions by police officers until you have your attorney present for the questioning. If you cannot afford an attorney, the court will provide one for you without cost to you.

Also, you do not have to consent to any searches of your person, car, home, or other property. If you talk to police about a suspected crime or consent to searches, you may be giving up other legal rights that you have. Consulting first with an attorney can help protect those rights.

Even small talk with other people in the jail could come back to haunt you later. Sometimes “jailhouse snitches” may claim you said something in order to help save themselves from their own trouble. This can be prevented by not talking to anyone when in jail, even other inmates. The same is true with phone calls you make—they are likely being recorded and can be used against you (unless they are phone calls to a lawyer).

## When can the police search me, my car, or my house? Must they have a search warrant?

Usually the police need a warrant to search either you or the things you own, such as your car and house. If you are ever handed a search warrant, you should read it carefully to make sure the police have the right person and correct address, and that the judge’s name and signature are included. The warrant should also tell you what the police are looking for and what they have permission to search.

If you voluntarily consent (agree) to a search, then the police do not need a search warrant or probable cause, to search you, your belongings, your car, or your home.

Sometimes the police do not need a warrant to search. They can search without your consent under these conditions:

- If you are lawfully arrested, the police may search you and the area within your immediate reach and control
- If the police reasonably believe that you are armed and dangerous, they may frisk you
- If you are fleeing from the police

- If the police have a reasonable belief that you have contraband in your car or have evidence of a crime in the vehicle
- If you are arrested and if your vehicle is towed and impounded, the police may do an inventory search to identify all articles in your car
- If it is an emergency situation that could involve the loss of life or serious injuries, or that evidence will be destroyed.

In the case of a minor child living with parents, the minor is under the parents’ supervision and care. Parents can agree to a search of the child’s room even though the child has not agreed to such a search.

## Can a police officer of the opposite sex search me?

If you are stopped, an officer of any gender may conduct a frisk, or pat-down search. Full-body search procedures may be regulated by state law or by a local police department’s regulations. The policy of most Minnesota police departments is that a full-body search should be conducted by someone of the same gender.

## What is “arrest probable cause?”

Probable cause for arrest is evidence that would give a police officer reasonable suspicion that a crime was committed or will be committed, and that the suspect committed it. A suspect can be taken into custody with or without a search warrant or arrest warrant if the officer has probable cause to believe that the suspect committed a crime.

There are some instances where police cannot arrest a person based on probable cause alone. For example, a person cannot be arrested for certain misdemeanor crimes unless the crime is committed in the presence of the police officer making the arrest. This is called the “misdemeanor in presence” arrest rule. It does not apply to some misdemeanors such as domestic assault or DWI.

## If I buy something from someone and find out it was stolen, can I be arrested?

A person who receives stolen goods is not an accomplice of the original thief. When people discover that they have property that has been stolen, they do have an obligation to immediately and unconditionally return the property to its lawful owner or at least make it available for the owner to pick up.

In order to be convicted of the crime of receiving stolen property, each of the following must be proven:

- The property must have been stolen.
- The person received, possessed, transferred, bought, or concealed the property. Concealment does not only mean hiding, but can also mean any act or conduct that helps the thief to make the property their own, or that makes it harder for the owner to find the property.
- The person knew or had reason to know the property had been stolen, but intentionally received, possessed, transferred, brought, or concealed the property anyway. Sometimes facts of the situation make it clear that the person should have known the property was stolen. For example, if the price was unusually low or the sale seemed suspicious.

- The property had some value. Receiving and concealing property with a value of \$500 or less is a misdemeanor. It is a gross misdemeanor to receive and conceal property with a value of more than \$500 but less than \$1,000. It is a felony to receive and conceal property with a value of \$1,000 or more.

### If I am arrested for a crime, what can I expect from the police?

If arrested, you can expect to be searched for weapons by the police and to be taken to a police station. You must be advised of your rights under the Minnesota and U.S. Constitution (in what is commonly called your *Miranda* warning) only if the police intend to question you and you are under arrest (in custody).

Whether or not police read you a *Miranda* warning, you still have all of your constitutional and other legal rights. Your rights include:

- You have the right to say nothing (remain silent) to the police.
- You have a right to an attorney and to have that attorney present if you are questioned.
- You have the right to have an attorney appointed if you cannot afford one.
- You may refuse to make any statement or discuss the case with anyone without your attorney present. However, any information you give voluntarily can be used as evidence against you in court.

Law enforcement officers cannot force or threaten you into answering questions and cannot obtain statements from you by offering you a deal. If you are a juvenile, in addition to your lawful right to talk with a lawyer and have a lawyer present before any questioning by police, you also have the legal right to have your parent or legal guardian present.

### How soon after being arrested do I appear before a judge?

In most cases, you will appear before a judge within 36 hours of your arrest, excluding the day of arrest, Sundays, and holidays.

### What is bail?

Bail money is cash deposited with the court to guarantee that the person accused of a crime will appear in court. It is refunded when the criminal charge is dismissed or the person is sentenced, if the person has not missed any court dates.

A "bail bond" is a bond written by a bail bond agent promising to pay the bail amount to the court if the person fails to show up for court. It is like a loan the person can get from the bond agent to help post the bail. Usually the person has to pay a portion of the total bail amount to the bond agent. If a person does not appear in court, the bail bond company may send a bounty hunter after the person to bring him or her back to the court.

Sometimes the court will require a "recognizance" bond, where the persons agree to pay a certain amount of money if they fail to appear in court. Usually, a member of the family must obtain the funds, deposit the money, and then show the receipt in order to get the person released.

Bail is not always required. Sometimes the court accepts the promise of the person that he or she will appear at trial. This is called "being released on one's own recognizance." Also, in some cases, the person could be released without bail but on "conditional release." This means that there are certain conditions the person must follow, and if not, he or she can be brought to jail.

### Must I be released on bail until my trial?

No. Minnesota's constitution provides for your right to pre-trial release so that you can have a fair chance to defend yourself from criminal charges. The Eighth Amendment to the U.S. Constitution protects a person accused of a crime against the setting of unreasonable bail.

Even though there is a right to pre-trial release, judges have to decide whether it is acceptable in each case. In considering a person's right to a pre-trial release, judges must decide whether the person is a "danger to the community" or whether the person is at risk of leaving the county or state, among other factors. So, whether you will be released before trial depends on how the judge rules on these factors.

Failure to come to court after being released on bail or on one's own recognizance is a separate criminal offense. If you fail to come to court when scheduled you may be punished for that crime as well as losing the bail that you posted and having a judge increase your bail amount.

If you cannot make it to court, it may be possible for you to get a court date rescheduled for a good reason. Often, your lawyer can get the date changed if your request is made reasonably far enough before the court date.



# ALCOHOL AND DRUGS

## What is the legal drinking age? Is it the same in other states?

In Minnesota, the legal drinking age is 21. Persons under 21 may legally drink alcohol only while in their parent's or guardian's home and then only if the parent or guardian gives permission and is present. Each state has its own laws regarding legal drinking age. While most states now set that age at 21, there are still some differences among the states.

## Is it illegal for a person under 21 to be in places where alcohol is sold?

Under Minnesota state law, it is not illegal for a person under 21 to be on the premises of a place where alcohol is sold as long as the person does not purchase or receive alcohol there. Cities within Minnesota may have their own laws that forbid people under 21 to be in places where alcohol is sold. However, even in those cities, people who are 18 to 20 years old may perform certain work, consume meals, and attend certain social functions at places where alcohol is sold.

## How do under-age persons break drinking laws?

Generally, it is against the law for persons under 21 years of age to consume alcohol (unless done in the home of their parents or guardians and only with their permission). It is also illegal for persons under 21 to purchase or attempt to purchase alcohol, to misrepresent their age in order to purchase or consume alcohol, and to have alcohol with the intent to consume it at a place other than at a parent's or guardian's home.

## What are the penalties for underage drinking?

People who are 18 to 20 years of age who are accused of violating these laws will have their cases handled in adult court. The offense is considered a misdemeanor and if convicted the person will be sentenced accordingly. People under 18 years of age who are accused of violating these laws will have their cases handled in juvenile court.

If a person under the age of 21 is found guilty of using a Minnesota driver's license or permit to purchase or attempt to purchase alcohol, then the Minnesota Department of Public Safety will suspend the person's driver's license for 90 days, regardless of any action taken by a judge.

## What are the penalties for drinking and driving if you are under 21?

This issue is discussed in greater detail in the section of this booklet dealing with automobiles and driving.

People under age 18 who are accused of driving under the influence will have their cases handled in juvenile court. If found guilty, persons under the age of 21 will have their driver's licenses revoked or suspended from 30 days to 1 year depending on the circumstances. The offender may also receive a fine of up to \$1,000. Repeat juvenile offenders also

have their penalties increased, and juvenile offenses such as this remain a permanent part of their record as an adult.

Persons 18 years of age and older accused of driving under the influence will have their cases handled in adult court. For the first offense, the person may be sentenced to up to 90 days in jail and fined up to \$1,000. The person's driver's license may be revoked for 90 days or more. A repeat offender may be sentenced for up to seven years in prison and fined up to \$14,000. A repeat offender may also have his or her driver's license revoked or canceled for one year or more.

In both juvenile and adult court, a judge may order chemical dependency treatment as a condition of probation.

## Is smoking tobacco illegal for minors?

In Minnesota, it is a petty misdemeanor for any person under the age of 18 to possess or use a tobacco product.

## What drug possession is illegal and what are the penalties?

Both state and federal laws make it illegal to possess a wide variety of drugs or controlled substances. The most common illegal drugs include cocaine, heroin, LSD, ecstasy (MDMA), methamphetamine, and marijuana. It can also include many prescriptions medication such as Adderall when possessed or sold without a valid prescription.

The criminal penalties in adult court for being convicted of possessing or selling controlled substances can be severe. The severity of the sentence depends upon the type and amount of drugs involved and the person's prior criminal record. Persons with a criminal record and persons who sell drugs have a higher chance of going to prison.

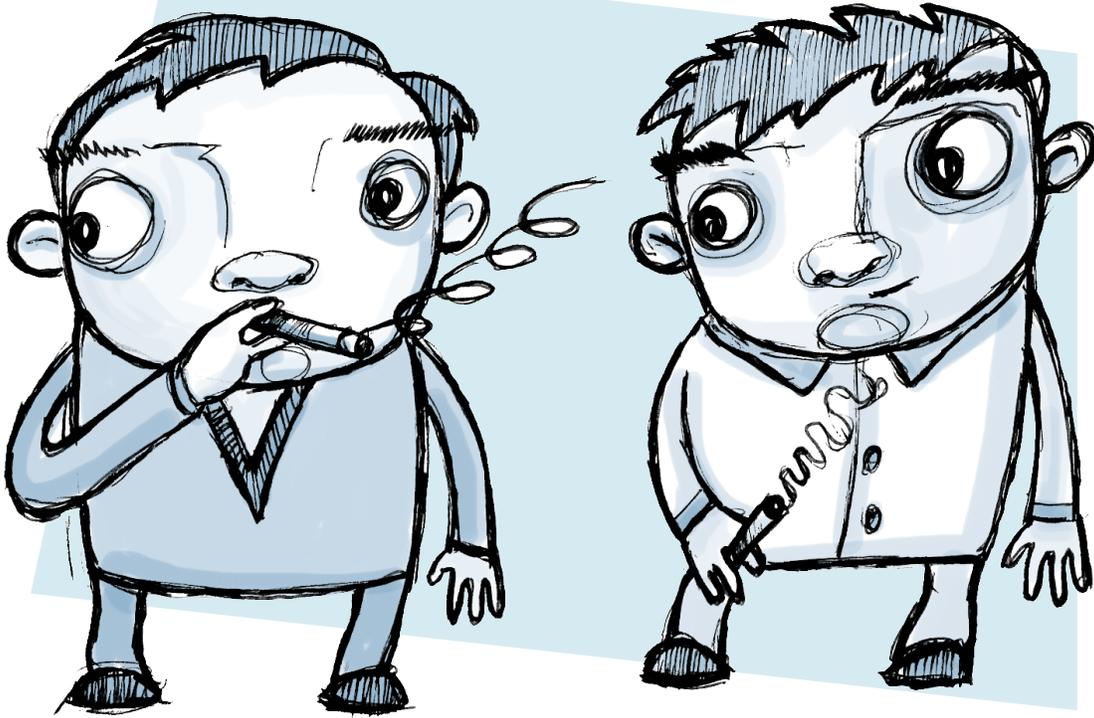
The criminal penalties in juvenile court for possessing or selling drugs can include probation or lengthy confinement in a jail-type facility for juveniles.

If you are traveling outside the United States, be aware that the laws of many other nations are often more restrictive and the penalties for possession more severe.

## Is marijuana considered in the same category as other drugs?

In some cases, no. Under Minnesota law, it is a petty misdemeanor if a person has less than 42.5 grams (about 1.5 ounces) of marijuana. The person would not be arrested and would not have to go to jail. The offender may have to pay a fine of up to \$300. If you are in a car, however, it is a misdemeanor to be in possession of anything more than 1.4 grams (about .05 ounces) of marijuana, unless it is in the trunk of the car or in a similar area inaccessible to passengers.

It is a felony to be in possession of more than 1.5 ounces of marijuana or to sell, or to possess with intent to sell, any amount of marijuana. As in other cases, if convicted of a crime, the sentence imposed in a marijuana case will depend upon the amount of marijuana involved and the person's prior criminal record.



### Can anyone order a chemical dependency evaluation or order me into treatment?

Any interested person can go to court and file a Petition for Civil Commitment as chemically dependent. By doing this, the person is asking that a judge order someone to go through a chemical dependency treatment program. In order for a judge to issue such an order, the petitioner must be able to prove that because of using alcohol or other drugs, the person cannot take care of himself or herself or that the person has recently acted in a way that shows a danger to self or others as a result of chemical dependency. That person has a right to ask the judge at the hearing to dismiss the petition for commitment, or allow voluntary treatment instead. The person is entitled to be represented by a lawyer.

In the criminal area, any person found guilty of a crime in adult or juvenile court can be ordered by a judge to go into chemical dependency treatment as a condition of probation, if the person is placed on probation. If sentenced to prison, the prison authorities may order treatment as a condition of early release from prison.

In juvenile court, a judge can order a person under age 18 to go into treatment if the person is a "child in need of protection or services." Generally, this means that the person has been abandoned, neglected, or abused. Again, the person has a right to a hearing and to have a lawyer.

## SEX AND THE LAW

### What is sexual assault?

While there is no legal definition for sexual assault, the phrase generally refers to many types of criminal sexual conduct.

There are different kinds of sex crimes. It is a crime to force someone to have sexual contact or sexual penetration. Generally, sexual contact means touching a person's intimate parts or the clothing over the area of the intimate parts. Sexual penetration includes any intrusion into the genital or anal opening of the victim's body. To coerce means to use force or to cause fear of harm. Even if there is no coercion used, sexual contact is a crime if the person does not agree to it. There are some exceptions such as an accidental touching, or other circumstances where there is no intent.

It is a crime to have sexual penetration or sexual contact with a person under 13 years of age if you are 3 years older than the person. It is not a defense to say there was a mistake about the minor's age or that the minor agreed to it. It is also a crime to have sexual penetration or sexual contact with a minor at least 13 but less than 16 years of age when the person is more than two years older than the victim. In this case, it is still not a defense to say that the minor agreed, but a mistake about age might be a defense.

It is a crime to have sexual penetration or sexual contact with someone under 18 years of age if the person is more than four years older than the victim and is in a position of authority over the victim. “Position of authority” means having some responsibility for the supervision of the victim. It is not a defense to say there was a mistake of age or that the victim agreed.

Finally, it is a crime to have sexual penetration or sexual contact with a person under 18 years of age if the person has a significant relationship to the victim. Significant relationship generally means being related by blood, marriage, or adoption, such as: parent, sibling, first cousin, aunt, uncle, grandparent, great-grandparent, great uncle, and great aunt. Here again, it is not a defense to claim there was a mistake of age or that the victim agreed.

### What does consent mean?

Consent means a voluntary agreement to perform a particular sexual act. The law states that consent is words or overt actions by a person that mean they freely agree now to perform a particular sex act. Even if there was a past or current relationship between the people, it does not mean that consent is given for another instance of the sex act. Also, even if the victim did not resist the sexual act, it does not mean they consented to it. Under the law, the victim does not have to prove that consent was not given.

### What are the penalties for sex crimes?

The criminal penalties in adult court are severe. Repeat offenders or any offender found guilty of a sexual penetration crime faces a high possibility of going to prison. The criminal penalties in juvenile court can include probation or being sent to a jail-type facility. Any person found guilty of criminal sexual conduct may be ordered to go to sex offender treatment as a condition of probation or in order to get an early release from prison; and must register with the state as a convicted sex offender.

### Are the laws the same if the victim is a man or a woman?

The gender of the victim makes no difference.

### Can sexual assault occur within a marriage?

Yes. In Minnesota, sexual assault can occur between people who are married. For the person charged with the sexual assault, it is not a defense to say that the victim is a spouse.

### Are there other kinds of sexual crimes?

Yes. The following sex crimes are recognized in Minnesota:

- bestiality (sex with an animal)
- prostitution (offering or agreeing to have sex for money)
- receiving profits from prostitution
- incest (sexual intercourse with certain family members).
- fornication (sexual intercourse between a man and an unmarried woman—even if they both agree)
- adultery (sexual intercourse between a married woman and a man not her husband)
- fornication and adultery are rarely charged by law enforcement.

### What is date rape?

In Minnesota, there is no legal definition for date rape. The phrase “date rape” generally refers to a sex crime committed by someone who knows the victim.

### Where should a victim of a sex crime make a report?

Reports of sex crimes should be made directly to the police. Generally, persons who have been raped should seek immediate medical attention, in part to provide an opportunity for medical personnel to collect potential evidence of rape (including a rape kit).

Reports of sexual abuse against children can be made to police, to any medical professional, any social worker, psychologist, psychiatrist, teacher, school counselor, or member of the clergy. All of these people are required by law to report the sexual abuse to an appropriate government agency. These agencies are required by law to report the abuse to the police.

### What happens when a victim reports a sex crime?

After the police have been contacted, they will conduct an investigation. Social service agencies and the courts can also take actions designed to protect the victim such as limiting or preventing any contact between the person accused of the sex crime and the victim.

# Marriage & Family

annulled. You will need to go to court to get an annulment—a court order that says the marriage never existed. (Lying to the court is always a bad idea. It's called perjury, and is a criminal offense.) If you get married too young, but stay married until you are 18, your marriage is then valid. If you want to end it, you will need to get a divorce.

## Is the law the same in other states?

No the law are different, so if you are planning to get married in another state, you will need to check the law there first.

## How do people get married in Minnesota?

You need to get an application for a marriage license from the clerk's office in the county where you live. The application will tell you what documents you need to bring with your filled-out application when you bring it back to the clerk. Fill out the application, bring it back, and pay the required fee. (There is a big reduction in the fee if you attend an approved pre-marriage education program.) Do not sign the application until you bring it back to the clerk.

Your license will be available in five days and will be good for six months. You can get married in any county in Minnesota. The official who married you must file your license within five days of the ceremony in the county where you got it.

Judges, members of the clergy, and some court officials can perform marriages. Check with the clerk in your county. The person who performs the marriage and two witnesses must also sign the license.

Different states have different procedures, so if you are planning to get married in another state, make sure to check on their procedures ahead of time.

## What are some important rights and responsibilities of marriage?

Each spouse is responsible for the other. Both parties are entitled to use the money earned by either party to pay for the things that are necessary for the family, like food and housing.

All the property that the couple buys during the marriage is considered the property of both of them, even if only one party's name is on the title (like land and cars). Similarly, all debts during the marriage are the responsibility of both parties even if only one person's name is on them (like credit cards or a car loan). That also means that creditors can try to collect debts from either party.

Both parents are responsible for their children's needs and care. This is true even when the parents do not live together or were never married.



## MARRIAGE

### Who can get married in Minnesota?

Men and women over 18 years old can get married without anyone's consent. In Minnesota, as of August 1, 2013, persons of the same sex can get married. All the provisions set forth in this booklet that deal with marriage now also apply to same-sex partners who marry in Minnesota or who legally marry elsewhere and now live in Minnesota.

Young people between 16 and 18 years old need either their parents' consent in writing or an order from the juvenile court judge in the county where they live. Minnesota says that young people under age 16 are not able to make the decision to marry and, if they do, the marriage is void. Void means as if the marriage never happened. (You can walk away from the marriage without consequences unless you have children.)

If you lie about your age to get married, or don't get your parents' consent or a court order, Minnesota says that your marriage can be

### DOMESTIC ABUSE

#### What if there is domestic abuse in the marriage?

##### FOR ADULTS:

Domestic abuse means physical violence or the threat of physical harm of a spouse (people who are married) or intimate partner (not married but were living together as if married). If you are being hurt or threatened by your partner, you need to call 911 as soon as possible so that law enforcement can help separate you and the abuser. Law enforcement can help you talk with an advocate. You may choose to go to a shelter (with your children) if you need to do that to be safe.

To keep the abuser away, you can go to court to get an **Order for Protection** (OFP). Most courts have staff to help you fill out the necessary paperwork to get an order that says the abuser must stay away from you. Violation of an OFP is a crime. The OFP can also set terms for support of the victim and the children and order a parenting plan so that the abuser can see the children in a way that is safe for everyone. An OFP is usually good for one year. It can be renewed if there is good reason to believe a danger still exists.

Domestic abuse can take other forms, too. Forced sex is an act of aggression and violence. Name-calling, blaming, shaming, isolating, intimidating, and controlling are forms of emotional abuse. It is harder to get an OFP for emotional abuse. You may have to get a divorce to protect yourself from this kind of abuse.

##### FOR CHILDREN:

If someone is hurting you, such as your parent, brother, or sister, you need to tell a trusted adult, like a teacher, a school counselor, clergy person, or other counselor. These adults are required by law to report child abuse to the Child Protection Agency in your county. Abuse is never okay.

Check the resources at the end of the book for help if there is domestic or child abuse in your home or the home of someone you know.

### DIVORCE

#### How do I begin a divorce?

Minnesota law requires you to live in the state for 180 days before filing for a divorce. You will need to file your papers in the county where you or your spouse lives. Minnesota does not require you to prove that your spouse has done something bad to get your divorce.

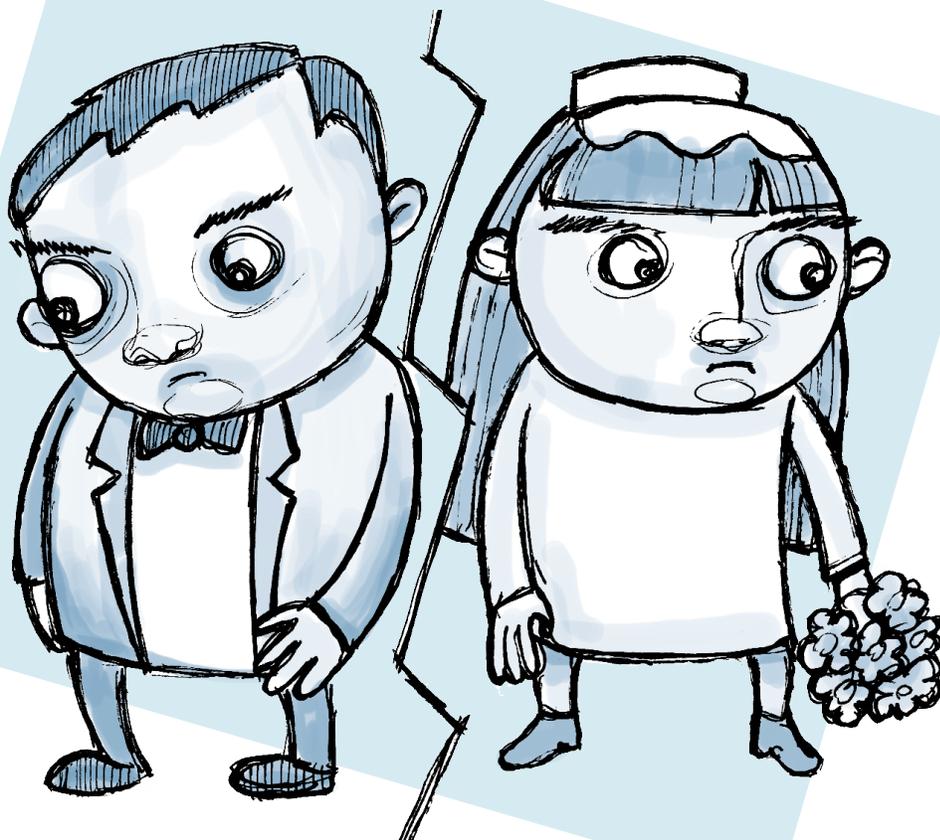
It is possible to get the forms online that you need to do your own divorce. However, divorce can be complicated. You might be wise to consult with a lawyer, particularly if you have children or own real estate. It is very difficult to make changes to divorce decrees *after* the decree is final. Getting legal advice before proceeding may prove to be less expensive than trying to make changes later.

#### What is ADR?

Many people going through a divorce today are using **Alternative Dispute Resolution** (ADR). Mediation is a form of ADR where you and your spouse hire a trained mediator who helps you work out the terms of your divorce. There are some good reasons for using mediation; it is usually cheaper, faster, and private. The most important reason is that you get to make the decisions about your divorce. If you and your soon-to-be-ex stay in charge, you are much more likely to make the decisions work after the divorce is final.

There are other forms of ADR that apply to divorce. In arbitration, you hire a person experienced in divorce law to decide the issues that you and your spouse cannot agree upon. Again, this may be faster and cheaper than going to court. It is also private.

You can even hire a person experienced in divorce law to decide all the issues of your divorce, acting as a judge. The biggest benefits of doing this are a quicker decision, privacy, and having a person with knowledge and experience make the decisions.



### What is a parenting plan?

If you have children and are considering divorce, you will need to develop a parenting plan. This plan deals with issues of custody and parenting time. A number of Minnesota courts have developed a program where you and your spouse will meet with a trained team for an Early Neutral Evaluation (ENE) if you need help agreeing on a plan. The ENE team will get information from you and make recommendations about a plan they believe is best for your children. If you don't agree with them, you can hire a neutral expert to do a custody evaluation that will address all the things the law says the court needs to address when deciding parenting issues. The court will consider this evaluation, but will make its own final decision about your children.

You will also need to figure out a way to support your children in two separate households. Minnesota has laws to calculate basic child support; the Child Support Calculator is available online. The calculator takes into account both parties' incomes, monthly health and dental premium costs, monthly childcare costs, and the amount of time the children spend with each parent.

### What is spousal maintenance?

Spousal maintenance is money paid by one spouse to the other if that spouse cannot support himself or herself. This used to be called alimony. Spousal maintenance is based on your standard of living during the marriage. There is no set calculator, so either you agree on an arrangement, or the court must decide.

### How is property and debt divided?

In your divorce you will also need to divide property and debt that you acquired during the marriage. Minnesota law says this division should be "equitable," which usually means a 50-50 split.

### What rights do children have when their parents divorce?

Children often want to know whether they have any rights when their parents divorce. While they have the right to be supported and kept safe, they really have little say in the process itself. Older children who are mature in their thinking may have some voice in parenting decisions, but their preferences are only one of many things the court looks at when determining a parenting plan. If including the children's opinion is important, it may be helpful to talk with an attorney about various ADR processes that may be less stressful on the children and more inclusive of the children's opinions than the court.

### Establishing paternity

Minnesota law says that children born during the marriage are assumed to be the children of each spouse unless some kind of test proves otherwise.

Men and women who have children but are not married need a way to establish who the father is. (We call this "establishing paternity.") There are several ways to determine paternity. When the baby is born, the parents can fill out a form at the hospital called a Recognition of Parentage (ROP), and file it with the Minnesota Department of Vital Statistics along with the birth certificate. (This form can also be filled out at a later date and filed.) Also, the birth certificate can name the father. However, understand that a ROP or name on the birth certificate does not establish custody or parenting time rights for the father. A father will need to bring a court action to establish those specific rights.

If the father isn't identified, either parent can bring a court action to establish paternity. If the child's mother is receiving financial help from the county where she and the child live, the county may want to establish who the father is for purposes of collecting child support. If the issue of paternity is contested, DNA tests can be done. They have a high level of accuracy. If a man is found to be the father, he can be ordered to pay for birth expenses and support for the mother before and after the child is born, as well as ongoing child support.

If a man thinks he may be the father and doesn't want to lose his rights as a parent, he can contact the Minnesota Department of Health and register in writing that he may be the father of a certain child born to a specific woman. (This listing is called the Fathers' Adoption Registry.) He needs to do this during the pregnancy or within 30 days of the birth of the baby. This registry is checked before a child is placed for adoption. The possible father is notified and given a chance to prove he is the father and, if he is, to oppose or support the adoption process. The county may use the adoption registry to find fathers who should be supporting their children.

Even in the situation of young men under age 18, the possible father can be brought to court to determine paternity. Once paternity is determined, a young man can be held responsible for support of his child.

# Immigration

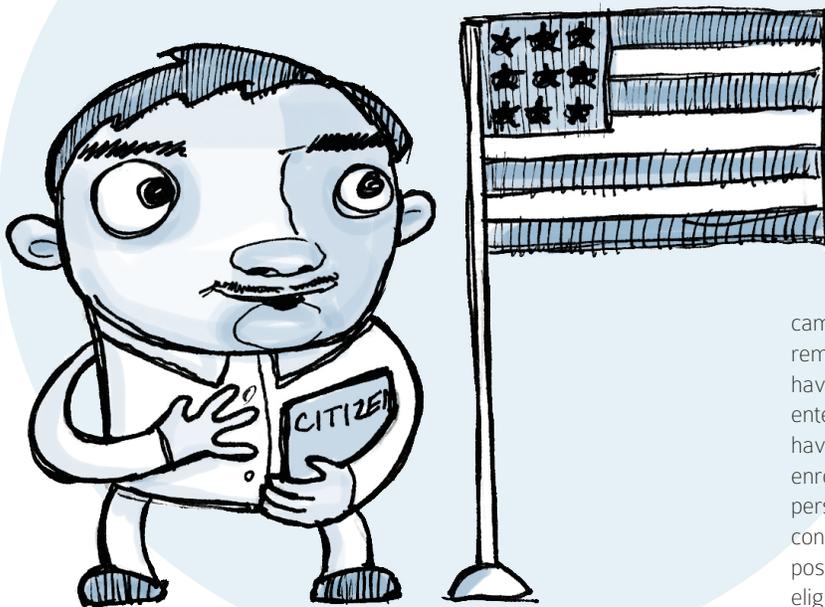
## What is Immigration law?

Immigration law is how the federal government controls who is able to come to the United States from other countries. The laws are passed by congress and enforced by the executive branch through agencies like US Citizenship & Immigration Services, Immigration & Customs Enforcement, and Customs & Border Protection.

The United States has a long and valued tradition of immigration. Our nation was founded by immigrants, and has welcomed waves of immigrants through the centuries. People born in other countries have always contributed to the development and economy of the United States. Some notable American immigrants include Alexander Graham Bell, Albert Einstein, Madeline Albright, Henry Kissinger, and Sergey Brin, cofounder of Google.

## What is a U.S. Citizen?

A U.S. citizen is a person with privileges and responsibilities to the United States. A person can be a citizen in three ways. First, a person can be born in the United States. Second, a person can be born outside of the country to a U.S. citizen parent. Third, a person can be born outside of the country and later go through the "naturalization process" (or, if under the age of 18, have a parent who naturalizes as a citizen).



## What is naturalization?

Naturalization is the legal process by which a legal permanent resident adult becomes a citizen. Most legal permanent residents need to wait 3 or 5 years, pass a test on their knowledge of civics, demonstrate knowledge of English in an interview, and show good moral character.

## What is a legal permanent resident?

Legal permanent residents (LPR) are people with permission to live and work in the United States indefinitely, as long as they do not commit certain crimes. Most people become legal permanent residents through close family members or employers for special jobs. The wait to become a LPR can be very long and the rules for special jobs are very complicated.

## Are there other ways to visit or work in the United States?

A visa is a temporary permission to be in the United States. There are many different types of visas: some allow just a short visit; some allow people to study, live, or work for years at a time. Visas can be difficult to get, particularly for employment.

## What is asylum?

Asylum is a way for someone who is present in the United States to stay here because it is dangerous to return to his or her country. The person must apply within one year of entering the country, and the danger of returning must be because of the person's race, nationality, religion, political opinion, or social group.

## What does "undocumented" mean?

Undocumented refers to a person who does not have legal permission to enter, stay, or work in the United States. About half of undocumented people came to this country on a visa, and stayed beyond its terms; the other half were never able to get permission to enter the United States.

Undocumented people are not eligible to receive public benefits from the Federal government. People without permission to stay in the country are at risk of being arrested and removed to their country of birth by Immigration and Customs Enforcement (ICE).

## What is the status of undocumented minors?

Anyone living in Minnesota is able to attend school and college.

In addition, there is a special federal program called Deferred Action for Childhood Arrivals that allows some people who came to this country when they were children to have protection from removal and to get a two-year work permit. To qualify, the person must have entered the United States when they were under the age of 16, entered before and continuously resided since June 15, 2007, and must have been born after June 15, 1981. The person must be currently enrolled in high school or a GED program, or have graduated. The person must not have any felony convictions, significant misdemeanor convictions, or more than three misdemeanor convictions, and must not pose a risk to public safety. In Minnesota, these students may also be eligible for state financial aid and scholarships to attend college.

# Copyright

## What is a copyright?

Copyright law has been around for a long time; it grants legal ownership of a creative work. Its purpose is to encourage creativity by giving authors or creators certain exclusive, time-limited rights. It has its basis in our Constitution, which gives Congress the power “to promote the ‘Progress of Science and useful Arts,’ by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries . . . .” (Article 1, Section 8, Clause 8).

Copyright law protects an original work of authorship fixed in a tangible medium of expression. What that means is that the work needs to demonstrate some minimum spark of creativity (a pretty easy hurdle to overcome), and needs to be heard or seen either directly or with the aid of a machine, like a computer. It follows, then, that copyright law will not protect works that are not original or that are not fixed in some fashion. But it also does not provide protection for the following: mere ideas, pure data, titles, names, slogans, or certain government works. And copyright protection ends (although the length of time it lasts varies a lot), so some older works have no copyright anymore. Works that have no exclusive owners are referred to as being in the “public domain.”

## How do I get a copyright?

The moment you click the shutter and capture a photograph within the fixed medium of your digital camera, you are the proud owner of a copyright. That act gives you exclusive rights. Now you’re able to control who may reproduce your photo, prepare derivatives of it, distribute copies, and display it publicly. Where your work is capable of being performed, as with music or a play, you may also limit its public performance. The automatic copyright extends to all such work, including photographs, videos, drawings, even if they are accessible on the Internet. Others may not use them without permission. The good news for authors is that copyright protection attaches automatically upon creation of a work that is fixed in a tangible form. Obtaining a copyright registration is not mandatory, and use of the copyright notice is no longer required. However, the formalities of registering a copyright can yield significant benefits, including the ability to better protect your work against future infringers.

## I’ve heard you can use up to 20% of someone else’s work without infringing, is that true?

Not necessarily. There is no hard-and-fast rule about how much use qualifies as “fair use.” If you are accused of copyright infringement, the courts will look at several factors to determine whether a use is fair or not. First, they consider the purpose and character of your use of the material. They look for whether your use transforms the original work by adding new expression or meaning, as well as whether you are using the work for commercial purposes or non profit educational purposes. Second, they look to the nature of the original work: is it fact-based or

entirely creative? Fair use of a factual work is less likely to be infringing than use of a creative work like a song or a piece of art. They may also be more likely to find fair use when you copy from a published work, than when you copy from something that’s never been published. Third, courts consider the amount and substantiality of the portion you used. This is where the 20% idea originated. The more you “borrow,” the more likely it is that your use is infringing. Also important is the portion you’ve selected. Does it go to the heart of the work? Is it the most memorable portion of the original? If so, it is less likely to be fair use. The final factor that courts consider is the effect of your use on the original work’s potential market. If your use directly competes with the original work, and especially if your use deprives the copyright owner of income, that will weigh against fair use.

There are no exact rules about fair use; many amazing and important artworks build off of others’ creative works in ways that are allowed by law. But copying without permission can also sometimes be infringing, and lawsuits are costly. The best ways to be certain that your use is allowed are to get permission when you use others’ works, use your own work, or use works shared via an open license (such as Creative Commons images or music, or open source computer software.).

## If a photo or artwork is easily available online, is it wrong to use it?

Every work created in the last thirty years automatically has a copyright owner (and many from before then do, too.) So works you find online have owners, just as you own the works you create and share online. Copying things that you did not create raises all the same legal issues online that it does offline. It’s important to note that, although some copying may be legal for personal, non-profit, or educational use, some will not be. Even more importantly, if you are running a business or working for any kind of commercial institution or organization, permission is legally required for most kinds of copying and sharing. Don’t assume that things that come up in an online search are free to use just because you found them in public, any more than you’d assume you can keep and re-sell a book you find in a public library.



### **Advocates for Human Rights**

[www.theadvocatesforhumanrights.org](http://www.theadvocatesforhumanrights.org)  
(612) 341-9845

A non-profit organization dedicated to counseling and providing information regarding human rights, asylum, detainees, and legal advice.

### **Better Business Bureau of Minnesota**

[www.bbb.org/minnesota](http://www.bbb.org/minnesota)  
(651) 699-1111

A private organization that provides business reliability reports, investigates unanswered consumer complaints, and offers consumer information to the public.

### **Communities United Against Police Brutality**

[www.cuapb.org](http://www.cuapb.org)  
(612) 874-7867

Provides a 24-hour hotline to report police brutality and assist victims.

### **Crisis Connection Minnesota**

[www.crisis.org](http://www.crisis.org)  
(612) 379-6363

Crisis intervention hotline.

### **Hennepin County Child Protection**

[www.hennepin.us](http://www.hennepin.us)  
(612) 348-3552

Provides services to protect children whose health or welfare may be at risk.

### **Hennepin County Public Defender**

[www.hennepin.us](http://www.hennepin.us)  
(612) 348-7530

Provides free assistance to anyone below the poverty level charged with a crime.

### **HOMEline**

[www.homelinemn.org](http://www.homelinemn.org)  
(866) 866-3546 (Greater MN)  
(612) 728-5767 (Metro)

Provides services to help solve problems with rental housing. Services for rentals in Minneapolis are reduced cost. Services outside of Minneapolis are free.

### **Housing Link**

[www.housinglink.org](http://www.housinglink.org)  
(612) 522-2500

This agency provides online lists of available housing in Minnesota.

### **Immigrant Law Center of Minnesota**

[www.ilcm.org](http://www.ilcm.org)  
(651) 641-1011

Assistance to low-income persons with immigration issues.

### **Law Help MN**

[www.lawhelpMN.org](http://www.lawhelpMN.org)  
Provides links to legal resources throughout Minnesota.

### **Lawyer Referral and Information Service**

[www.hcba.org](http://www.hcba.org)  
(612) 752-6666

Sets up an appointment with a private attorney, practicing in the area(s) of law needed. There is no attorney fee for the first half-hour consultation. A \$30 administrative fee is charged.

### **Legal Rights Center**

[www.legalrightscenter.org](http://www.legalrightscenter.org)  
(612) 337-0030

Provides free legal assistance primarily to people of color who are below the poverty level and charged with a crime.

### **Lutheran Social Services - Homeless Youth Program**

[www.lssmn.org/homelessyouthmetro](http://www.lssmn.org/homelessyouthmetro)  
(651) 644-7739

Provides transitional living programs and individual assistance for youth in need of housing.

### **Mid-Minnesota Legal Aid**

[www.mylegalaid.org](http://www.mylegalaid.org)  
(612) 334-5970

This Legal Aid office provides free legal assistance regarding civil matters to qualifying low-income individuals.

### **Minneapolis Department of Civil Rights**

[www.ci.minneapolis.mn.us/civilrights](http://www.ci.minneapolis.mn.us/civilrights)  
(612) 673-3012

A city organization that provides information and investigates complaints regarding human rights.

### **Minneapolis Police Conduct Review Panel**

[www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)  
(612) 673-5500

A city organization that addresses community concerns and complaints against the police force.

### **Minnesota Adult Abuse Reporting Center**

[www.hennepin.us](http://www.hennepin.us)  
(884) 880-1574

Investigates complaints of abuse, neglect or financial exploitation of seniors and vulnerable adults.

### **Minnesota AIDS Project**

[www.mnaidsproject.org](http://www.mnaidsproject.org)  
(612) 341-2060

Offers programs to enhance the lives of those living with HIV.

### **Minnesota Assistance Council for Veterans**

[www.mac-v.org](http://www.mac-v.org)  
(612) 726-1327

Provides services to veterans.

### **Minnesota Attorney General**

[www.ag.state.mn.us](http://www.ag.state.mn.us)  
(651) 296-3353

A state organization that investigates allegations of false advertising and other consumer complaints against businesses.

### **Minnesota Board on Aging**

[www.mnaging.org](http://www.mnaging.org)  
(651) 431-2500

A gateway to services for Minnesota seniors and their families.

### **Minnesota Department of Human Rights**

[www.mn.gov/mdhr](http://www.mn.gov/mdhr)  
(651) 539-1100

A state organization that provides information and investigates complaints regarding discrimination in housing, employment and public services.

### **Minnesota Department of Labor & Industry**

[www.dli.state.mn.us](http://www.dli.state.mn.us)  
(651) 284-5005

A state agency that answers questions on employment matters and regulations, and issues related to work injuries and benefit claims.

### **Minnesota Fathers & Families Network**

[www.mnfathers.org](http://www.mnfathers.org)  
(763) 783-4938

Provides resources that help men become better parents.

### **Minnesota Legal Advice Online**

[www.mnlegaladvice.org](http://www.mnlegaladvice.org)  
(763) 783-4938

Provides online access to free legal advice.

### **Minnesota Office of Higher Education**

[www.ohe.state.mn.us](http://www.ohe.state.mn.us)

Provides information on financial aid and services to access higher education.

### **Sexual Violence Center**

[www.sexualviolencecenter.org](http://www.sexualviolencecenter.org)  
(612) 871-5111

Provides prevention and intervention services to those affected by sexual violence.

### **Southern Minnesota (St. Paul) Regional Legal Services**

[www.smrls.org](http://www.smrls.org)  
(651) 222-4731

This legal aid office provides free legal assistance to juveniles for specific types of civil/legal matters.

### **St. Paul Police/Civilian Review Board**

[www.stpaul.gov](http://www.stpaul.gov)  
(651) 266-5583

A city organization that addresses community concerns and complaints against the police force.

### **Tubman**

[www.tubman.org](http://www.tubman.org)  
Emergency (612) 825-0000  
Legal Services (612) 871-0118  
Provides advocacy and referral for anyone who has witnessed or experienced domestic abuse or sexual harassment. Includes family law issues through the Chrysalis Center.

### **United States Citizenship and Immigration Services (USCIS)**

[www.uscis.gov](http://www.uscis.gov)  
The government's website for information on Deferred Action, other immigration categories and free forms. Consult with an attorney before applying.

### **United Way 211 (formerly First Call for Help)**

[www.211unitedway.org](http://www.211unitedway.org)  
211 from landline, (651) 291-0211 from cell.  
United Way agency that provides information and referral to over 5,000 organizations serving the metro area.

### **Veterans Linkage Line/LinkVet**

[www.linkvet.custhelp.com](http://www.linkvet.custhelp.com)  
(866) 546-5838  
Resources and assistance for veterans.

### **Volunteer Lawyers Network**

[www.vlnmn.org](http://www.vlnmn.org)  
(612) 752-6677  
Provides free legal assistance on civil matters for economically disadvantaged individuals in Hennepin County.

### **YouthLink**

[www.youthlinkmn.org](http://www.youthlinkmn.org)  
(612) 252-1200  
Provides health care, education, and housing programs to youth.

## EDUCATIONAL RESOURCES

### **American Bar Association (ABA)**

[www.abanet.org/publiced](http://www.abanet.org/publiced)  
(312) 988-5735  
The ABA Division for Public Education promotes law-related education (LRE) programs that prepare elementary, middle, and secondary students for effective and responsible citizenship.

### **American Civil Liberties Union**

[www.aclu.org](http://www.aclu.org)  
(212) 549-2500

### **Bill of Rights Institute**

[www.billofrightsinstitute.org](http://www.billofrightsinstitute.org)  
A fully interactive Web site giving students and teachers access to a range of resources, including chat rooms with visiting legal experts, essay contests, educational exercises, and applications for our summer seminars.

### **Center for Civic Education**

[www.civiced.org](http://www.civiced.org)  
(818) 591-9321  
The Center for Civic Education is a nonprofit, nonpartisan, educational corporation dedicated to fostering the development of informed, responsible participation in civic life by citizens committed to values and principles fundamental to American constitutional democracy. The Center specializes in civic/citizenship, law-related education, and international educational exchange programs for developing democracies. Programs focus on the U.S. Constitution and Bill of Rights; American political traditions and institutions at the federal, state, and local levels; constitutionalism; civic participation; and the rights and responsibilities of citizens.

### **Center for Information and Research on Civic Learning and Engagement (CIRCLE)**

[www.civicyouth.org](http://www.civicyouth.org)  
(301) 405-2790  
CIRCLE promotes research on the civic and political engagement of young Americans.

### **Center on Congress at Indiana University**

[www.congress.indiana.edu](http://www.congress.indiana.edu)  
(812) 856-4706  
The central mission of The Center on Congress is to help improve the public's understanding of Congress and to improve civic engagement, especially among our young people, as a way to strengthen our basic institutions of government.

### **Citizens League**

[www.citizensleague.org](http://www.citizensleague.org)  
(651) 293-0575  
The Citizens League builds civic capacity in Minnesota by: identifying, framing and proposing solutions to public policy problems; developing new generations of civic leaders who govern for the common good; and organizing the individual and institutional relationships necessary to achieve these goals.

### **Constitutional Rights Foundation-Chicago (CRFC)**

[www.crfc.org](http://www.crfc.org)  
(312) 663-9057  
CRFC helps young people understand our country's legal system and acquire the knowledge, skills, and attitudes needed for responsible citizenship. CRFC develops innovative law-related education materials and conducts teacher training.

### **The Freedom Forum**

[www.freedomforum.org](http://www.freedomforum.org)  
The Freedom Forum is a nonpartisan foundation dedicated to free press, free speech, and First Amendment issues.

### **The Internet Legal Resource Guide**

[www.ilrg.com](http://www.ilrg.com)  
Internet Legal Resource Guide has a categorized index of 4000 select Web sites in 238 nations, islands, and territories, as well as thousands of locally stored Web pages and other files. This site serves as a comprehensive Internet resource concerning law and the legal profession, with an emphasis on the USA. Designed for lay persons and legal scholars alike.

### **Kids Voting USA, Minnesota**

[www.kidsvotingusa.org](http://www.kidsvotingusa.org)

Phone: (218) 722-5642

Kids Voting Minnesota is a non-profit organization dedicated to educating Minnesota youth about the rights, responsibilities, and mechanics of participating in American democracy.

### **Law Moose**

[www.lawmoose.com](http://www.lawmoose.com)

LawMoose is a search engine for the Minnesota legal system. It is for lawyers and non-lawyers looking for legal resources on the Web.

### **Library of Congress**

[www.loc.gov](http://www.loc.gov)

### **Minnesota Office of the Attorney General, Consumer Protection Division**

[www.ag.state.mn.us](http://www.ag.state.mn.us)

(651) 296-3353 or (800) 657-3787

The Minnesota Attorney General's Office educates and informs people about the rights, options, and responsibilities they enjoy as consumers. The Consumer Web site offers information on buying or selling a home, leasing a car, obtaining credit, stopping fraud, educating the next generation of consumers, and more. The center also provides information on recently reported scams, legal action taken by their office, and current product recalls.

### **Minnesota Center for Community Legal Education**

[www.civicallyspeaking.org](http://www.civicallyspeaking.org)

The Minnesota Center for Community Legal Education promotes the development of civic and legal competence through citizenship and law-related education programs for youth in schools and community organizations. Through education of teachers and community resource people, curriculum development, a lending library, technical assistance, and youth program sponsorship, the Center helps young people throughout Minnesota build the knowledge and skills needed to be effective and responsible citizens.

### **Minnesota Educational Resources**

[www.eds-resources.com](http://www.eds-resources.com)

Minnesota Educational Resources is an online collection of social studies lessons and quizzes.

### **Minnesota e-democracy**

[www.e-democracy.org](http://www.e-democracy.org)

Minnesota e-democracy is a non-partisan citizen-based organization whose mission is to improve participation in democracy in Minnesota through the use of information networks. It seeks to increase citizen participation in elections and public discourse through the use of information and technologies.

### **Minnesota State Court System**

[www.courts.state.mn.us](http://www.courts.state.mn.us)

Minnesota's courts handle more than 2 million cases a year in 87 district courthouses, the Minnesota Court of Appeals, and the Minnesota Supreme Court. Information about the state judicial system is available at the court system's interactive website.

### **Minnesota State Government**

[www.minnesota.gov](http://www.minnesota.gov)

A comprehensive guide to Minnesota government and tourist information. Contains connections to federal government offices and personnel.

### **National Constitution Center**

[www.constitutioncenter.org](http://www.constitutioncenter.org)

This site is sponsored by the National Constitution Center, an organization dedicated to helping teachers incorporate the teachings of the Constitution and other civic related topics into their classrooms. The site gives teachers access to lesson plans from other teachers on a range of constitutional issues including: freedom of expression, freedom of religion, right to privacy, and civil rights. Teachers can also link to other resources for educators over the Internet.

### **Street Law, Inc.**

[www.streetlaw.org](http://www.streetlaw.org)

(301) 589-1130

Street Law is a U.S. based organization dedicated to empowering young people to become active, successful citizens through the study of law-related education. Students learn substantive information about law, the legal system, and their rights and responsibilities.

### **U.S. House of Representatives**

[www.house.gov](http://www.house.gov)

### **U.S. Senate**

[www.senate.gov](http://www.senate.gov)

### **US Supreme Court**

[www.supremecourt.gov](http://www.supremecourt.gov)

The official website for the U.S. Supreme Court allows access to a variety of information on the Court, including a calendar and schedule for the current term, cases currently on the docket, and additional information.

### **Youth in Government**

[www.mnyig.org](http://www.mnyig.org)

(612) 823-1381

Minnesota YMCA Youth in Government programs develop personal growth and encourage life-long, responsible citizenship by providing experiential learning for young people and by providing public forums to recognize the abilities and capabilities of youth.

**Arraign:** To bring a suspect to court to answer the charge brought against her or him.

**Bail:** Money a defendant puts up (usually a bond) to allow his or her release from custody and to guarantee his or her appearance at a future hearing.

**Breaking and Entering:** Going into a house or building by force.

**Burden of Proof:** A party's duty to prove a disputed fact.

**Child Support:** Money paid by a parent to supply food, housing, and essentials for a minor.

**Civil action (civil lawsuit, civil suit):** A legal action brought by an individual or organization to obtain relief for injuries suffered such as monetary loss, physical injury, etc. The government may define what kinds of injuries are grounds for a civil action, and be involved in the adjudication, but the injury is between the parties. Civil actions may result in injunctions or monetary awards, usually from the losing to the winning party, if those are clear.

**Criminal action (criminal case):** a legal action brought by the government against an individual or entity, to address harms suffered by an individual or organization that are also considered harmful to society. Criminal actions may result in fines paid to the government, imprisonment, or other punitive measures.

**Complaint:** A legal and written document by a person bringing a civil lawsuit, stating his or her claims against the defendant. Also, the written document charging an alleged criminal defendant.

**Conciliation Court:** known as small claims court, or the people's court, operates with relaxed rules of procedure and evidence in order to allow easier access for self-represented parties.

**Contraband:** Items, goods, or merchandise prohibited or excluded by law.

**Decree:** A final judgment or determination of a court.

**Default:** When a defendant fails to answer a complaint or either party fails to appear at the trial, thus allowing the other party to win.

**Defendant:** Person who is sued in a civil case or accused in a criminal case. (Also called a respondent.)

**Due Process:** The notion, grounded in the Fifth and Fourteenth amendments to the U.S. Constitution, of rights in most court and administrative proceedings to receive sufficient notice of the proceeding, to be allowed to defend oneself in an orderly proceeding adapted to the nature of the case, and that every person have the protection of a day in court and the benefit of general law.

**Equal Protection:** Protection, grounded in the U.S. Constitution, that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in similar circumstances in their lives, liberty, property, and in their pursuit of happiness.

**Felony:** The most serious category of criminal offenses. In Minnesota, a felony is punishable by imprisonment of more than one year, with or without a fine.

**Garnish:** The process of notifying someone who has money or goods (usually wages from an employer or money deposited at a bank) belonging to the defendant to hold the money or goods for the plaintiff. Usually this refers to an employer withholding a portion of earned wages, or a bank freezing money in the defendant's bank account, which are then paid to the plaintiff.

**Grand Jury:** In Minnesota, a panel of citizens who hear evidence against a person accused of a crime and determine whether that person should stand trial. A grand jury can also investigate various aspects of government at its own initiative, particularly charges of corruption or mismanagement.

**In forma pauperis (IFP):** A designation given to somebody who cannot afford legal fees. Ordinarily an IFP application must be completed to determine if fees will be waived.

**Immunity:** Freedom from or protection against penalty. For example, an accused person may agree to give testimony in return for immunity from prosecution.

**Injunction:** a court order that compels an individual or organization to do, or refrain from doing, particular things.

**Judgment:** The official decision of the court.

**Miranda Warning:** After arrest and before questioning, arrested persons must be warned that: (1) they have a right to remain silent; (2) any statement they do make may be used as evidence against them; (3) they have a right to the presence of an attorney; and (4) if they cannot afford an attorney, one will be appointed for them prior to any questioning if they so desire.

**Misdemeanor:** Any one of several categories of less-serious criminal offenses. In Minnesota, they may be punishable by imprisonment with or without a fine, except that a "petty misdemeanor" is not a crime, and may not be punished with imprisonment.

**Notarized:** Process where an authorized public officer verifies the signature on documents. If a document requires a notarized signature, you must sign in front of a notary. Notaries can be found at banks, law offices, and government offices.

**Ordinance:** A municipal statute. A law passed by a city.

**Parole:** To release a convict from prison before his or her term is complete. Release is often conditional on good behavior.

**Perjure:** To knowingly and willfully give false testimony under oath.

**Petitioner:** One who begins a legal action. (Also a plaintiff.)

**Plaintiff:** A person who starts a lawsuit; the party seeking to be paid for an injury or because his or her rights have been violated.

**Pro Bono:** Designation that legal services are being provided without charge.

**Pro se:** Advocating on one's own behalf, rather than being represented by a lawyer.

**Respondent:** Person who answers a petition (lawsuit).

**Stipulation:** A written or an oral agreement between attorneys or parties concerning some phase of a lawsuit.

**Subpoena:** An order compelling a witness to appear and give testimony before a court.

**Summons:** A written notice (1) requiring the named person to appear in court on a specific day; or (2) informing the named person that a lawsuit has been started against him or her, and that he or she must answer.

**Suspended Sentence:** If certain conditions are met, a jail sentence need not be served fully. The sentence is then suspended.

**Trespass:** To enter unlawfully upon the land of another.

**Unlawful Detainer (UD):** Ordinarily referred to as an eviction action. An unlawful detainer (UD) is a legal action between a landlord and a tenant concerning the right to occupy the premises.

**Vagrancy:** Having no established residence and wandering from place to place without lawful or visible means of support.

**Warrant:** Sanction or authorization, as an arrest warrant authorizes a police officer to take an individual into custody.





Printing of this booklet was provided through  
the generosity of Thomson Reuters

*Revised 2017*

Legal Stuff was written and produced by

**Hennepin County Bar Association**

For more information on obtaining additional copies, contact our office at

**600 Nicollet Mall, #390, Minneapolis, MN  
612-752-6600 • [www.hcba.org](http://www.hcba.org)**