BECOMING AN ADULT

Legal Rights

in Louisiana

Louisiana State Bar Association
Children’s Law Committee
www.lsba.org/goto/BecomingAnAdult
Congratulations!

Now that you are eighteen (18) years old, you are legally considered an adult in Louisiana. This is an important milestone because you now have certain rights that those under eighteen (18) years old do not. These include the right to vote, the right to sign a lease on a house or apartment, the right to buy a car, and many more.

Becoming an adult means you now have the ability to shape your future, but this comes with certain responsibilities of which you must be aware. For example, you are now required to pay your own taxes, young men are required to register for the military “Selective Service System,” and if you are convicted of a crime, it may carry much stiffer penalties than if you were a juvenile.

This guide is intended to give you information about your rights and responsibilities in Louisiana, as well as services and resources available in the state that can help you. It is not a full guide to the law, but does provide basic information about a variety of relevant topics. If you have a legal issue, or are in need of other specific services, please visit the Children’s Law Committee online at www.lsba.org/ChildrensLaw.

With Appreciation,

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Chair, LSBA Children’s Law Committee

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President, Louisiana State Bar Association
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How do I get a driver’s license?

Drivers younger than 18 years old must complete either a;
- Driver education course consisting of classroom hours plus behind-the-wheel hours, or a
- Pre-licensing course consisting of classroom hours plus behind-the-wheel hours.

The driver education course and the pre-licensing course must be taken through a certified driving school that has been approved through the Department of Public Safety and Corrections.

For more details regarding Louisiana drivers education requirements, visit www.dmv.org/la-louisiana/drivers-ed.php.

- Drivers older than age 18 are not required to take driver’s education classes.
- All licenses are issued at your local Office of Motor Vehicles (OMV) and you must apply in person. You may need an appointment, so it is best to call ahead.

- You will need to bring two primary forms of identification, or one primary and two secondary forms;

**Primary forms of ID**: original birth certificate, a certified copy of a birth certificate, or a passport.

**Secondary forms of ID**: social security card, an ID card that has your photograph on it, high school diploma, high school yearbook that contains your photograph, Medicare/Medicaid card, or a printed pay-roll stub.

- If you are a male U.S. citizen between the ages of 15 to 26 years old, you must supply your social security number when you apply for a Louisiana State driver’s license.
- You must pass a vision test, a written test, and a road skills test to get your driver’s license. You must answer 80 percent of the questions on the written test correctly to pass.

Questions for the written test are taken from the "Louisiana D & E Drivers Guide". For more information about the written test, and links to the Louisiana D & E Drivers Guide in English and Spanish, visit www.dmv.org/la-louisiana/driver-handbook.php.

You can also visit a Louisiana OMV office for a hard copy version of the Drivers Guide.

- **Road Skills Test**: The road skills test may be administered by the Louisiana OMV or a certified third party provider. If the OMV is administering the road test, you must provide your own vehicle for your driving test, and the official conducting the evaluation will ask to see proof of insurance, your inspection sticker, license plates,
registration and proof of your behind-the-wheel hours.

There is a charge for a certified third party tester to administer the test. The cost may be up to $40.00.

If you do not own a vehicle, a third party tester may rent a vehicle to you at an additional cost to take the road skills test.

How can I pay for a driver's license?
You will need to pay a driver's license fee, which is generally paid in cash. The Office of Motor Vehicles accepts payment by cash, credit cards, debit cards, money orders, and electronic funds transfer, but will charge an extra fee for any payment made with a credit, debit card, or electronic check. Refer to the Office of Motor Vehicles website for updated payment information. (www.expresslane.org)

- If you are presently in foster care, the fees for your license can be waived, but there is still a fee for the driver's education course or pre-licensing class.

Do I need car insurance?
Yes, if you own a car, the state requires that you have in your car proof of liability insurance coverage at all times. Failure to maintain liability insurance may result in the loss of your driver's license and/or seizure of your vehicle, and also may require you to pay fines and reinstatement fees. Also, when you register your car you are required to show proof of liability insurance.

- If you are driving someone else's car, there must be proof of their liability insurance coverage in the car.
- Under the "No Pay/No Play" law, if you do not have liability insurance on the vehicle involved in an accident, you cannot collect from the other driver for the first $25,000 in property damage or $15,000 bodily injury, regardless of who is at fault. Plus, you may still have to pay fines and reinstatement fees, even if an accident is not your fault.

Can I use a phone while I'm driving?
No. Under Louisiana law, you may not write, send, or read a text message, nor access social media, while on a public road or highway. Texting while driving will result in expensive tickets. The fines may be doubled if you are involved in a traffic accident while texting.

- Persons under 18 may not use a cell phone when driving.
- In a school zone, no one may use a cell phone for talking, texting, or social media except for emergencies.
- Limited exceptions to cell phone laws may be made if you find yourself in one of the following situations:
  - Reporting a traffic crash, medical emergency or serious road hazard;
  - Reporting a situation in which you believe your personal safety is threatened;
  - Reporting or preventing a criminal act against yourself or another person; or
  - Writing, reading or sending a text message while your vehicle is lawfully parked.

What do I do if I get pulled over?
If a police car is following you with its siren on or emergency lights flashing, pull over to the right as quickly and safely as possible. Come to a complete stop, and stay in the car until and unless the officer directs you to get out.
Don't start rummaging through your back pocket for your wallet and license, or in your glove compartment for your registration, until the officer asks you for them.

Even if you haven't committed a violation, police officers can order drivers and any passengers to get out of a car. If an officer “reasonably believes” that drivers or passengers might be carrying weapons, they can “pat down” the car's occupants. If an officer asks you if he/she can search the car, you have a right to say no, and this is not an admission of guilt. Police officers cannot search a car without your permission or a warrant based on a traffic violation, unless they have reason to believe that the car contains a weapon or evidence of crime that someone other than the driver might dispose of.

What do I do if I get a traffic ticket?
Read your traffic ticket carefully.

Printed on the ticket will be the name of the parish where you were ticketed as well as important information regarding payment deadlines.

Traffic ticket fines vary based on the type of violation. Fines also vary based on the parish where you received the ticket.

There may be expensive late fees or additional penalties added to your traffic ticket fine if you do not pay on time and/or appear in court on the scheduled date.

Read your traffic ticket for payment instructions. The parish in which you received the traffic ticket may allow you to pay your ticket online, by mail, or in person. You may be required to appear in court for certain of types tickets. If you want to fight the traffic ticket you will need to appear in court. You may want to hire a traffic ticket attorney to help you.

- If your traffic ticket doesn't show the amount due, contact the appropriate parish traffic court for information, or visit their website to get the correct fine amount you are required to pay.
- The Louisiana Office of Motor Vehicles (OMV) keeps track of the number and types of traffic offenses you have committed. If you have committed certain or too many traffic offenses, your driver's license could be suspended or you could be charged higher car insurance premiums by your car insurance company.

You can sometimes have your traffic ticket dismissed by completing a defensive driving course. This depends on the type of violation you received. Contact the Louisiana parish court where you ticket was issued to check to see if you are eligible to take a defensive driving course.

If you have lost your traffic ticket, contact the parish traffic court where your ticket was issued to get your ticket information and request a copy of your ticket.
Why should I register to vote?
Voting is an extremely important part of our government and democratic process. By voting, you can help elect leaders that reflect your values, and also help make laws and public policies that you support. People between the ages of 18-25 are one of the biggest voter categories, and your vote can make a difference!

Who can register to vote?
To qualify, you must:
• Be a United States citizen;
• Be at least 17 years old (so long as you are 18 years old before the next election to vote); and
• Reside in the state and parish in which you seek to register.

Note that certain criminal charges and/or a judgment of interdiction may affect an individual’s right to vote.

How do I register to vote?
You can register online at www.sos.la.gov

You can also apply in person at any “Registrar of Voters” office or any of the following sites:
• Louisiana Department of Motor Vehicle offices;
• Louisiana Department of Social Services offices;
• WIC offices, food stamp offices, and Medicaid offices;
• Offices serving persons with disabilities, such as the Deaf Action Centers and Independent Living offices; or
• Armed Forces Recruitment offices.

You may also apply by mail by downloading the Louisiana Voter Registration Application form, completing it, and returning it to your local Registrar of Voters office. Faxed Voter Registration forms are not accepted. The Voter Registration form should be addressed and mailed or hand-delivered to the appropriate Registrar of Voters in the parish in which you are registering.

You should apply as soon as possible to make sure you don’t miss any deadlines.

What do I need to bring with me to register to vote?
If registering in person at a parish Registrar of Voters office, you are required to prove your age and residency. You may submit your current Louisiana driver’s license, birth certificate or other documentation which reasonably and sufficiently establishes your identity, age and residency. If registering at a mandated site, no further proof of identification is required other than whatever proof is required for services received that you have applied for. Louisiana mails
a verification mailing card to validate the address you have provided when registering by mail.

**How much does it cost to register?**
There is no fee to register to vote.

**Where do I go to vote?**
You will be assigned a specific location to vote that will also be listed on your voter identification card. You may also use the “Louisiana Voter Polling Place Locator” at [www.sos.la.gov](http://www.sos.la.gov) to find where you vote on election day, or call your parish Registrar of Voters office.

**What do I need to bring with me when I go to the polls to vote?**
You will be asked for a state-issued identification card to vote at the polling place. This can include a Louisiana driver’s license, a Louisiana ID card, or other generally recognized picture identification card with your name and signature. If you do not have a picture ID, you will be asked identifying questions by the poll worker and asked to sign an identification affidavit before voting.

**What is a Louisiana ID card and how do I get one?**
- A Louisiana identification (ID) card can be used as an alternative form of photo identification if you do not have a driver’s license. You can use a Louisiana ID card to prove your age and identity in a number of situations such as voting, making bank transactions, enrolling in college, and buying age-restricted items.

  Fees will be waived for:
  - Any child who is in the state foster care system, or;
  - Any person who does not have a Louisiana driver’s license, upon presentation of his voter registration card.

- If you are a resident of Louisiana, you can apply for an identification card at any age. If you are 17 years old or younger, your parent or guardian must be with you when you apply.

- You cannot apply for a Louisiana ID card online or by mail. You must visit a Louisiana Office of Motor Vehicles (OMV) in person and bring:
  - A completed application (available at an OMV office);
  - One primary document proving your identity, or;
  - Two secondary documents proving your identity; and
  - Your Social Security number (SSN), if you are 15 to 26 years old, a male, a U.S. citizen or permanent resident.
What do I do if my residence address, mailing address, or name has changed after I have registered to vote?
If you have moved INSIDE your parish, you should notify the Registrar of Voters office in your parish of any changes to your registration. If you have moved OUTSIDE your parish, you are no longer eligible to remain registered in that parish and you must register in your new parish.

I am going to an out-of-state college. Where should I be registered to vote?
Students may use their home residence address within the state or their school address for voter registration purposes. You may sign up to vote absentee by mail; you will need to include a copy of your fee bill or student identification card with your application to vote absentee by mail. Out-of-state students are allowed to use their school address in Louisiana if they want to be a voter in this state.

Could I ever lose my right to vote?
Yes. In Louisiana, the right to vote will be suspended while a person is in prison after being convicted of committing a felony, or while they are under a judgement of “full interdiction.” A person who is subject to a “limited interdiction” is able to vote unless the court suspends the interdicted person’s right to vote.
Who can join the military (U.S. Armed Forces)?

A young man or woman may enlist in the Army, Navy, Marine Corps, Air Force, or Coast Guard at age 17 with parental consent, or at age 18 without parental consent.

What is the Selective Service System (otherwise known as “the draft”)?
The Selective Service System was created to automatically enlist people in the U.S. Armed Forces in the event of a national emergency.

Who is required to register for the draft?

Every male citizen and permanent resident in the United States and its territories must register within 30 days of their 18th birthday.

As of July 16, 2016, women are not required to register with the Selective Service System.

How do I register?

There are several ways you can register for the draft:
- Register online through the Selective Service website at www.sss.gov;
- Fill out a registration form [titled SSS Form 1M(UPO)] at any U.S. Post Office;
- If you are a U.S. citizen living or visiting overseas at the time you turn 18, go to the nearest U.S. embassy or consular office where personnel will assist you in registering.

When registering, you will be asked for your name, address, sex, birthday and Social Security number.

What happens after I complete a registration form?

You will be mailed a “Registration Acknowledgment Card” showing the information recorded in your registration file, your Selective Service number, and a change of information form. You should keep the registration acknowledgment in a safe place as proof of your registration.

Will there be a draft?

The fact that young men are required to register does not mean that they will be drafted. No one has been drafted since 1973. A draft would most likely only occur in the event of war or a national emergency. Registering with the Selective Service DOES NOT mean that you are joining the military.
What is jury duty?
Court cases are often decided by a “jury.” Juries are typically a group of people from the area who are asked to consider all the evidence in a given case, and provide specific findings and recommendations to the court. If you receive a notice to serve on a jury, you are legally required to show up or contact the court.

What are the steps to getting selected for jury duty?
Typically, courts pull names from the voter registration list from the State of Louisiana. After which, potential jurors are mailed a qualification questionnaire form to complete and return to the court. If the court decides that you are qualified to serve, your name is entered into a pool and you may be randomly selected as a juror.

What happens if I don’t report for jury duty?
If you do not report for jury duty and you are not excused by the court, you may be charged a fine of $1000, imprisoned for up to three days, ordered to perform community service, or face other penalties. If you are unable to serve, you should contact the court as soon as possible.

Will the court excuse me from jury service?
Sometimes the court may excuse you from jury service, or require you to report at a later date. This could depend on many factors, and you should contact the court about your situation if you feel you cannot serve.

What should I bring with me when I report for jury duty?
Bring your “Notice to Report” with you when you report for jury duty. You may also want to bring a book or magazine, since there can be long periods of time when you will not be needed in the courtroom. If you have special dietary needs, you may bring your food or snacks with you.

What should I wear for jury duty?
You should wear appropriate attire for a courtroom. You should not wear shorts or flip-flop sandals. You may want to bring a sweater or jacket since the courtrooms can get cold.

What should I do if I made travel plans before I was called for jury duty?
Contact the jury section/management before the beginning of your term of service. The clerks will work with you on this.
What is the current legal drinking age in Louisiana?
The legal drinking age in Louisiana is 21.

What counts as a violation of Louisiana’s underage drinking laws?
You can be arrested for violating the underage drinking laws if you:
- Obtain or try to obtain alcoholic beverages;
- Possess or consume alcoholic beverages when you are not accompanied by a parent, guardian, or spouse of legal drinking age;
- Falsely represent your age to obtain alcoholic beverages (including using a fake ID).

I’m underage. Are there situations where I can legally be on the premises of a business which is licensed to sell alcoholic beverages?
Yes, if you are accompanied by a parent, guardian, or spouse of legal drinking age; or if you are at least 18 years old and you work or provide entertainment at the business. There are also plenty of places that are licensed to sell alcohol and are still open to underage persons, such as restaurants, bowling alleys, public buildings, athletic events, and concerts.

What will happen if I get arrested for underage drinking?
You may be fined and/or sent to jail. If you are arrested for driving while intoxicated, your driver’s license may be suspended and you can face large fines and jail sentences.

What kinds of laws apply to marijuana?
Generally, the purchase, sale, possession, manufacturing and use of marijuana are illegal in Louisiana. If you violate these laws, you can face large fines, jail sentences, or both.

Is it illegal to use synthetic marijuana in Louisiana?
- Synthetic marijuana is illegal in Louisiana and is an extremely dangerous alternative to its natural counterpart.
- The purchase, sale, possession, manufacturing and use of synthetic marijuana can carry the same penalties as natural marijuana.

What kinds of laws apply to other drug use?
The purchase, sale, possession, manufacturing and use of commonly known, highly addictive drugs (including heroin, cocaine, and methamphetamine) carry significant penalties including imprisonment.
What laws apply to drug paraphernalia?

Drug paraphernalia is any equipment, products, or materials used to make, distribute, or ingest drugs. It is illegal for you to own, sell, lease, lend, rent, give, exchange, trade, or otherwise distribute drug paraphernalia. If you are arrested for possession of drug paraphernalia you can be fined or sentenced to jail.

I’m 18. What happens if I involve minors in illegal drug activities?

Once you turn 18, you are subject to stricter penalties if you sell or distribute drugs to a minor, including longer jail or prison sentences and increased fines. This is especially true if you sell drugs to a student or in a “drug free zone,” or if you ask or convince a minor to sell drugs.
Is there anything I should do before renting a property?

You should see the exact unit you will rent, and not just a model unit. Inspect the premises, noting any damages, uncleanness, or other issues on a checklist. Make two copies and have the landlord sign one and date it. If he refuses, have a friend take snapshots of the apartment, date them and witness it. Understand that rental of the unit in its present condition without further agreement as to repairs, means that the landlord must do nothing more as he or she is not responsible for any defects unless they violate health or building codes. Your landlord is obligated to maintain the rental premises in a habitable condition.

What is a lease?

A lease is a legal agreement between a landlord and tenant. It usually sets out the amount of rent that must be paid and the length of time the apartment or other property may be rented. It also states the rights and duties of both parties.

Does the lease have to be in writing to be legal?

No. The lease may be oral, especially if it is for a short period of time. A written lease is always preferable to an oral lease. If you live in an apartment where the federal government is paying a portion of your rent, you may have additional protections available to you under federal law.

What should I consider before signing a lease?

Make sure you read and understand all of the clauses before signing it. Never sign a lease unless all blank spaces are filled in or crossed out. Get all oral promises in writing. Make sure both parties initial changes or additions to the lease on all copies. Ask for a copy of the rules governing tenants and read them before signing the lease. If tenants co-sign the lease, either may be held responsible for nonpayment of the entire rent, damage or breach of contract. A tenant must be given notice before being evicted. The landlord must give five days’ notice where there is cause for eviction, and 10 days’ notice if there is simply a termination of the lease.

What is a security deposit, and is it mandatory?

Generally, landlords have the right to protect themselves against tenant damage to the premises by asking for a security deposit. The security deposit is usually equal to one month's rent and is paid to the landlord before you move in. If you damage the property, or if you fail to pay the rent, the landlord may keep all or a part of the deposit to pay for the damage or unpaid rent. The Louisiana
Rent Deposit Return Act requires your landlord to return your deposit within 30 days of termination of the lease, provided you have fulfilled the lease and left a forwarding address. If your landlord fails to return your deposit, you may sue in small claims court to recover it. Pet deposits are recoverable under this act.

What are my responsibilities as a renter?

- You are obligated to do everything you agreed to do as stated in your signed lease, including paying the amount of rent on time every time, and using your rental unit for the purpose you agreed to in your lease. Leases typically limit the use of the premises to residential use, and forbid use as a business.

- Only you and the other people listed on the lease should be living in your leased unit. Your lease may limit the number of days you are allowed to have guests stay in your home.

- Keep the premises in as clean and safe condition as possible.

- You are likely responsible for any damages you create, or that your family or visitors create.

- You should contact the landlord immediately if any damage occurs that creates a safety or health hazard to you or anyone living with you.

Can I withhold my rent if my landlord refuses to make repairs?

No. Louisiana law does not allow the tenant to withhold rent when the landlord refuses to make repairs. Your landlord can evict you for nonpayment of rent even though they have not lived up to their duties to repair and maintain your apartment. There are provisions in Louisiana laws that allow a tenant in certain circumstances to pay for repairs and deduct that amount from the rent, but you must follow the proper procedures first. It is best to talk with a lawyer first. It is easy to make a mistake and any withholding or deductions from rent could lead to an eviction action by the landlord.

Can my landlord raise my rent?

Yes, if you are a month-to-month tenant or if your lease allows it. A landlord must give a month-to-month tenant a 10-day written notice to raise the rent for the next month. If you have a lease, the landlord probably cannot raise the rent during your lease term. Read your lease to find out if it says something different. Rent may not legally be increased during the term of a lease in the absence of a valid “rent escalation clause.” Escalation clauses can be invalidated if the price is not readily understandable, or is dependent on the landlord’s whim. If you live in subsidized housing, your rent is usually based on your income and family size, so your rent can generally be raised or lowered if your income or family size changes.

Should I get renter’s insurance?

It might be a good idea. Unless your lease says otherwise, your landlord’s insurance will only cover the building – not your possessions. Renter’s insurance is relatively inexpensive and could make a big difference if you need to replace such items as a microwave, TV or computer.
Can a landlord legally refuse to rent to me because of my race or disability?

No. It is against the law to discriminate in renting, leasing or selling housing on the basis of race, national origin, sex, color, religion, disability or familial status.

Should I file my lease with the parish?

- A lease between two parties is valid even if it is not filed with the parish. However, the sale of the building you live in may affect your right to stay there.

- Louisiana requires a lease to be recorded in the conveyance office in the parish where the building is located in order for the lease to affect the new owner of the property. There is a fee to file your lease. If your building is up for sale, or you think it may go up for sale, you may want to file your lease with the parish. This will make the new owner legally obligated to fulfill the terms of your lease.

What should I do if I receive a “Notice to Vacate” (eviction)?

- If you get a Notice to Vacate, you may not have a lot of time to decide your next steps. If you want to stay, you should first try to work out a deal with the landlord. Some landlords just want the rent to be paid.

- If possible, talk to a lawyer about whether you can stop the eviction. Defenses to a 10-day “no cause” eviction are limited. The most common defenses are that the notice was less than 10 days, or that you have paid the rent or that the landlord accepted the rent after he gave you the Notice to Vacate.

- A “Notice to Vacate” is not a court order that forces you to move out. A “Notice to Vacate” means that your landlord plans to file a lawsuit for eviction if you don’t move out by the end of the notice period. The landlord cannot get a court order for eviction until there has been a trial before a judge.

- The “Notice to Vacate” may be posted to your door. The notice does not have to be given to you personally and it does not have to be stamped with a court seal. It can be on a court form, and written by the landlord or his agent.

- If you have a written lease or live in public or subsidized housing, you may have other defenses to the eviction. You should try to talk to a lawyer as soon as possible.

What are my responsibilities when moving out?

- You may need to give your landlord a written move-out-notice weeks, or months, before your lease ends. The amount of time in which you must give your written move-out-notice will be specified in your lease. If you move out without giving proper notice, or move out before the lease has expired, you may be liable for additional payment.

- Leave the rental unit in the same condition it was found. Aside from the normal wear-and-tear of living, there should be no alterations to the condition of the rental unit unless you and your landlord agreed to those changes (and ideally take photos and sign a paper indicating the agreement). Take photos when you move out to document the condition.
What is a contract?
A contract is an agreement between two or more parties that creates, modifies or ends legal obligations.

What are some likely contracts I may soon be a part of?
- Employment contract;
- Loan for school or to buy a car;
- Apartment rental or lease;
- Insurance;
- Marriage;
- Medical care;
- Installment purchase of some product or item.

Do all contracts have to be in writing?
No, all contracts do not have to be in writing. However, the purchase or sale of immovable property, like real estate, must be in writing.

What are the advantages of written contracts?
A written contract is proof of what the parties agreed to do. It helps protect the parties from dishonesty and prevents anyone from lying about the terms. It also helps the parties by refreshing their memory of the agreement. People often forget what they agreed to do and a written contract is a physical reminder.

What are some general rules to follow when I am asked to sign a contract?
- Read the entire contract before you sign it and make sure you understand the terms;
- Ask questions about things you don’t understand;
- Don’t sign anything until you are sure you understand the agreement;
- Cross out parts of the contract that conflict with your agreement. Also, write in parts of your agreement that are not in the contract;
- Don’t sign a contract with any blank spaces. Fill them all in or cross them out;
- Ask about the penalties if you can’t meet all the requirements;
- Don’t sign a contract if you can’t meet all the requirements;
- Be concerned if someone asks you to sign a contract before you read it or says, “It’s just a standard agreement and I explained the terms;”
- Don’t be intimidated by salespeople;
- Don’t be rushed by friendly salespeople;
- Make sure you receive a complete, accurate, signed copy of the contract before you leave.

What can happen if I do not follow the contract or break it because I don’t understand?
Not understanding the contract is not a defense for breaking it. Generally, it doesn’t matter why you don’t follow the contract, the result is the same: you can be sued.
Are there time limits for starting a lawsuit or being sued on a contract?

Louisiana laws create deadlines called “prescriptive periods” that dictate when a person must file a lawsuit. Most contracts have a 10-year time period. If you think you have a possible claim or dispute, you should contact a lawyer to discuss it.

CONTRACTS RESOURCES

Louisiana Secretary Of State
www.sos.la.gov

Becoming An Adult Website
www.lsba.org/goto/BecomingAnAdult

An online version of BECOMING AN ADULT - LEGAL RIGHTS & RESPONSIBILITIES is available at
www.lsba.org/goto/BecomingAnAdult
EDUCATION

Can I stay in school after the age of 18?
- You are potentially eligible for admission or readmission if you are nineteen years old or younger as of September 30th of the current academic year, or if you are twenty years or younger as of September 30th of the current academic year and you have enough credits to be classified as a senior.
- Persons with disabilities may receive a public school education up to age 22.

What is an IEP?
An Individualized Education Program (IEP) is an education plan that is developed to meet the specific and unique needs of a child with a disability through direct special education and related services. A student with a disability has the right to an IEP.

How long can I stay in school if I have an IEP?
Disabled students who are eligible for an IEP can stay in school until high school graduation, or through the end of the school year in which you turn 22.

How long am I legally required to stay in school? (Truancy Laws)
Louisiana requires students to attend school from age 7 to 18, or until you graduate from high school if under 18. Students are required to attend school regularly and must attend at least 167 days to earn credit and be eligible for promotion to the next grade.

What are my options to continue attending school after high school?
In Louisiana there are many options. Louisiana has community colleges, career schools, four-year public colleges and universities, and four-year private colleges and universities.

- Community College: Community or junior college awards associate degrees and sometimes certificates in traditional fields such as pre-engineering, film making, veterinarian technology, paralegal, video game design, nursing, construction management, accounting, and many others. Community and junior colleges are similar, except that a junior college is usually a private school.
  - Louisiana's community colleges are “open admissions” institutions, which means they have an unselective and non-competitive college admissions process. New applicants generally must take the COMPASS Placement Test to determine their level of college readiness. Because costs are often lower and admission is more open at two-year colleges, many students begin their college careers here.
If you plan to attend a two-year college and transfer to a four-year college, you should make sure your community college courses will transfer to those colleges that you are interested in and that your courses will count toward your bachelor’s degree.

• Career Schools (also known as technical, vocational, or trade schools): Career schools may be public or private, although many are for-profit businesses. They typically offer programs that are two years or less and provide students with formal classes and hands-on experience related to their future career interests.
  - Technical schools teach the science behind the occupation, while vocational schools focus on hands-on application of skills needed to do the job. You may earn a diploma or a certificate, prepare for a licensing exam, or study to begin work as an apprentice or journeyman in a skilled trade.

• Four-Year Colleges and Universities: Students who attend a four-year college or university typically earn a bachelor’s degree once they have successfully completed a program of study, which usually takes about four years. A college usually offers a four-year bachelor’s degree in the arts (such as English, history, drama, etc.) or sciences (such as biology, computer science, engineering, etc.). Four-year colleges and universities may be public or private. Public schools are operated or funded by state and local governments. Private schools are not affiliated with a government organization, but may be affiliated with a private foundation or religious groups. Since private schools receive less or no money from state and local governments, they generally cost more than attending a public school in your state. Because costs can vary significantly from school to school, you should make sure to research all of the schools you are interested in.

• Financial aid options: There are many types of financial aid: grants, scholarships, work study, and loans. Aid can come from the U.S. federal government, the state of Louisiana, the college you attend, or a nonprofit or private organization. Financial aid is awarded by need or merit. Financial aid can be used to pay for a variety of school expenses including: tuition, room and board, and books and supplies.

• Grants and scholarships: Grants and scholarships are often called “gift aid” because they are free money—financial aid that doesn’t have to be repaid. Grants are often need-based, while scholarships are usually merit-based. Grants and scholarships can come from the federal government, your state government, your college or career school, or a private or nonprofit...
organization. Do your research, apply for any grants or scholarships you might be eligible for, and be sure to meet application deadlines! Occasionally you may have to pay back all or part of a grant if, for example, you drop out of school before finishing some enrollment periods (such as a semester).

- **Loans:** A student loan is just like any other loan; it is borrowed money that needs to be repaid with interest. If you plan to take out a loan, consider federal student loans first because they offer fixed interest rates and flexible repayment plans.

- **Work-study:** This is a federal student aid program that provides part-time employment while you are enrolled in school to help pay your education expenses.

- **Need-based aid:** Eligibility for this type of aid is based solely on the assets and income of the prospective student and his or her family. Test scores or athletic ability do not affect need-based aid. All federal student aid is need-based.

  To apply for federal student aid, you need to fill out a Free Application for Federal Student Aid (FAFSA) form online at fafsa.edu.gov. After you fill out a FAFSA form you will receive an award letter from every school you are accepted to that you list on the FAFSA form. This letter will explain the federal and nonfederal aid a school will offer you.

- **Merit-based aid:** Merit includes a variety of talents and interests: academic, artistic, athletic, and so on. Scholarships are the most common type of merit-based aid (though some do have a need-based component), which may come from the school or from outside sources. Assuming need is not a condition. A student with extensive assets and income is just as entitled to a merit-based award as a student with limited assets and income.

**What is the National Guard Youth Challenge Program (YCP)?**

- The Youth Challenge Program (YCP) is a free, alternative, 17-month educational program for Louisiana residents between 16 to 18 years of age. The program offers a non-traditional school setting where you learn self-discipline, leadership, and responsibility, while working to obtain a high school equivalency diploma. There is no tuition cost to participate in the program. Students live on the school campus for five months of the program. All uniform, meal, educational, and housing costs are provided free of charge. After graduation, students are assisted by YCP case managers and community mentors to continue their education, enroll in college, begin job training, find employment, or enlist in the military.

  - Although YCP is administered by The Louisiana National Guard, graduates are not required to join the military.
**EMPLOYMENT**

Do I have a “right” to my job?
No. Employment is a contract between the employer and the employee. Most of the contracts are verbal, but they can be in writing. An employment manual is usually not a contract.

What should I say, and what should I not say, on a job application?

- **Picking up a job application:** When you pick up or drop off an application, be prepared for an interview. You never know if they will have a few minutes and are in a hurry to hire someone. Dress appropriately and be courteous, because even though you may not get an interview that day, the person who gives you the application may be asked by the interviewer what they thought of you.

- **Read carefully:** Read the entire job application form very carefully. Understand what is being asked on the form before filling it out to avoid making mistakes. Employers may use the application form to judge how well you follow instructions and how careful you may be as an employee.

- **Fill in the blanks:** Answer all questions completely, accurately, and truthfully using blue or black ink. Answer the questions with evidence from your experience, which demonstrates you know what the job involves. Write using active words and I/me statements. When something doesn't apply to you, write N/A for “non-applicable.” Check your answers for correct spelling, grammar, punctuation, completeness, and accuracy. Make sure to keep a copy of your form so that you can use it to prepare for an interview or complete other forms.

- **Last details:** Sign (don’t print) your name and include the current date. When you drop off your application, make sure to dress appropriately and be prepared for an interview.

- **For help writing a resume:** Visit louisianaworks.net where you will find tutorials explaining how to create a professional resume, conduct a job search to find employment opportunities, etc.

What must an employer do before I am fired?
Louisiana is an “employment at will” state. This means that an employer can fire someone for no reason at any time unless there is a written contract or law that offers other protection. However, an employer may not discriminate against any person based on race, gender, religion, citizenship, military status, marital status, sexual orientation, disability, arrest or conviction record (unless the charge is substantially related to the job), or any other classification protected by state or federal law.
What should I do if I lose my job?

- You may wish to file for unemployment benefits, also known as unemployment insurance (UI). UI is a program designed to provide temporary financial assistance to workers who are unemployed through no fault of their own and who meet the requirements of the Louisiana Employment Security law. UI benefits are paid based on past employment and not on the basis of need. Even if you were fired for good cause, you still should file to preserve your rights to unemployment benefits on future claims.

- Normally you should be able to receive your unemployment benefits unless one of the following is true:
  - You were not able to work or available for work;
  - You were fired for “misconduct connected with the work”;
  - You are unemployed due to your participation in a labor-management dispute;
  - You have failed to apply for or accept “available suitable work”;
  - You voluntarily quit and it wasn't because your employer significantly changed your working conditions;
  - You didn't work long enough to be covered; or
  - Your job wasn't covered by unemployment insurance.

Where can I file for unemployment?

To file a claim for unemployment insurance, you may call the Unemployment Insurance Call Center at 1-866-783-5567 or you may file online at www.louisianaworks.net.

Before filing a claim, you will need the following information:

- Your social security number;
- Names, addresses, job-site locations and telephone numbers of any employers for whom you worked during the last 18 months;
- Name and local number of your union hall (if applicable);
- Alien registration number (if applicable);
- The member-4 copy of your DD214 (if you served in the military during the last 18 months);
- Your SF-8 and SF-50 (if you worked for a federal employer during the last 18 months). However, do not delay filing if you cannot locate your federal documents.

What should I do if I am turned down for unemployment benefits?

If you’ve applied for unemployment benefits but have been turned down, you should know about your right to appeal. When you appeal, a different person looks at your case. If you win the appeal, you get your benefits. Contact your local Legal Services Corporation for assistance with your appeal as soon as you receive notice of your denial.
Are credit cards free money?
No. By definition they are “credit” cards, meaning that when you use them you are borrowing money from the issuer that you must pay back.

What is the difference between a debit card and a credit card?
Debit cards and credit cards are generally accepted at the same places. Debit cards carry the symbol of one of the major types of credit cards on them (Visa, MasterCard, etc.). While many debit cards can be used as credit cards, some debit cards cannot. Debit cards are linked to your bank account (usually a checking account), and money is debited (withdrawn) from the account as soon as the transaction occurs. Credit cards are different; they offer a line of credit (i.e., a loan) that is interest-free only if the monthly credit card bill is paid in full and on time. (See below, Should I pay my bill in full each month?)

Should I open a bank account?
For most people, opening a bank account of some kind is preferable to carrying around cash or seeking out money orders to pay for things. We all have to deal with money in some way, whether it’s a paycheck, paying bills, or getting a loan. If you choose not to have a bank account, you will have to find a place to cash checks and securely store your money. There are many types of businesses that offer money services, such as check-cashing and payday-loan businesses, but they often charge high fees. Having a bank account, usually a checking account, allows you to use and have access to your money more easily and operate more safely in a lot of areas.

- A bank account allows you to pay your bills online, instead of needing to mail them or go into an office. Rather than remembering when you need to pay bills every month, having an account means you can automate payments to come out regularly, so you'll never forget and get behind on your bill payments. A bank account also allows you to keep your cash safe, so it’s not stolen or damaged in a fire or flood.
- Many employers will only pay your wages by direct deposit into a bank account, instead of giving you your wages in cash or by check. If you receive government benefits, you will also need a bank account for direct deposit, as many benefits will only be paid that way.
- If you choose to open a bank account, or if you must do so because of your employment or government benefits, you should investigate which type of account to open (usually a checking account, savings account, or both), and what the “fine print” is for each of those accounts.
For example:
- Are there fees associated with the account?
- Does the account earn interest on your money for you?
- Is there a minimum daily balance that is required on this type of account?
- What happens if you overdraw (spend too much from) your account?
- Is the bank FDIC (Federal Deposit Insurance Corporation) insured?

• You will want to make sure your bank account, whether it is a checking or savings account, is FDIC insured. When a bank is FDIC insured, this means that the federal government protects the money you deposit with the bank, up to a certain amount.

• For more information, check out the student brochure of the Louisiana Bankers Education Council at www.lba.org; the Federal Deposit Insurance Corporation (FDIC) at www.fdic.gov; the National Endowment for Financial Education at www.nefe.org; and the Federal Financial Literacy and Education Commission at www.mymoney.gov.

Should I use credit?
• Credit cards offer convenience, but their main purpose should be to establish a good credit history. You will need a good credit history so you can, when the time comes, qualify for car loans and mortgages, be able to rent an apartment, qualify for favorable interest rates on all types of loans, obtain lower auto and homeowners insurance premiums, or qualify for a job (employers are increasingly using credit scores when evaluating job candidates).

Credit cards should be viewed as a convenience and not an extension of income.

• Credit card issuers offer a variety of terms (annual percentage rates, methods of calculating balances subject to finance charges, minimum monthly payments, and actual membership fees). When selecting a card, compare the terms offered by several card companies to find the card that suits your needs.

How do I check my credit?
The Fair Credit Reporting Act (FCRA) requires each of the nationwide credit reporting companies — Equifax, Experian, and TransUnion — to provide you with a free copy of your credit report, at your request, once every 12 months. In other words, you can get a free copy of your credit report up to three times each year, once from each company. Your credit report includes information on where you live, how you pay your bills, whether you’ve been sued, and whether you have filed for bankruptcy. The 3 reporting companies have joined together to produce an easy way you can access your report from each of them. You can access your free credit reports in one of 3 ways:

• Visit www.annualcreditreport.com;
• Call 1-877-322-8228; or
• Complete the Annual Credit Report Request Form located at www.consumer.ftc.gov and mail it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

• Make sure once you’re on the site or otherwise making the request for your credit report that you check information for all 3 companies.
Does the credit card issuer charge interest?
Usually, however banks charge interest – at a much higher rate – when you take out a loan.

Should I max out my credit?
To establish and maintain a good credit score, it is best not to max out your credit card. It’s a good idea to keep your credit card charges to 25% of your overall credit limit, or even less. (See below, Should I pay my bill in full each month?).

Why should I pay my bills on time?
Credit issuers watch how you manage your credit cards, and paying late is the worst black mark on your credit record and can lead to a lower credit score.

How does having poor credit affect me?
Problems with your credit record can negatively impact your ability to get a job, rent an apartment, buy a car or get a cell phone.

Should I pay my bill in full each month?
If you can, always pay more than the minimum payment due each month on your credit card bill. It is best to pay off your credit card each month; this avoids paying interest on the amount you have borrowed from the credit card company.

- For example, if you pay $50 a month on a credit card bill of $2,000 at an 18% interest rate, it will take more than five years to pay off the original $2000 debt. If you were to pay less than $30 a month, you’ll never pay off the $2000 debt.

CREDIT RESOURCES

Request an Annual Credit Report
www.annualcreditreport.com

Annual Report Request Form
www.consumer.ftc.gov

Louisiana Bankers Education Council
www.lba.org

Federal Deposit Insurance Corporation
www.fdic.gov

National Endowment for Financial Education
www.nefe.org

Federal Financial Literacy and Education Commission
www.mymoney.gov

Becoming An Adult Website
www.lsba.org/goto/BecomingAnAdult
CONSUMER PROTECTION

What is debt collection?
If you use credit cards, owe money on a personal loan, or are paying on a home mortgage, you are a “debtor.” If you fall behind in repaying your creditors, or an error is made on your account, you may be contacted by a debt collector. However, certain methods of debt collection are not allowed by law.

Who is a creditor?
Any party that you borrow money from is a “creditor” (i.e. Visa, MasterCard, Macy’s, BestBuy). This can be a person, a bank, or any other enterprise that has lent money or extended credit to you. It can also be someone who provided you goods or services for which you owe money. For example, a medical provider who rendered treatment in exchange for later payment would be a creditor.

What happens if I’m sued?
If you are served with a Petition or Complaint and a Summons related to a debt, don’t ignore it! Ideally, you should seek legal advice from an attorney right away. There are deadlines for responding to the lawsuit which can often occur very quickly.
• Even if you consult an attorney, you may still choose to represent yourself in a court proceeding, especially if the amount you’re being sued for is small. Take the time to find out what possible defenses you may have before showing up to the hearing.
• If the debt you are being sued for is not yours or is on behalf of a company or party you have never heard of or done business with, you should still respond and seek legal counsel. This likely means that you are the victim of identity theft. You should contact the Consumer Protection Section of the Louisiana Attorney General’s Office at 1-800-351-4889, or online at www.ag.state.la.us. You can also file a complaint with the Federal Trade Commission (FTC) by visiting www.consumer.ftc.gov.

What does the Federal Fair Debt Collection Practices Act state?
A debt collector is any person, other than your creditor, who regularly collects debts owed by you. A debt collector may contact you in person, by mail, telephone, telegram or fax. However, he or she may not contact you at unreasonable times or places, such as before 8 a.m. or after 9 p.m. Further, the debt collector cannot tell anyone other than you and/or your attorney that you owe money. Within five days after you are first contacted, the collector must send you a written notice telling you the amount you owe,
the name of the creditor to whom you owe the money, and what action to take if you think you do not owe the money. A collector may not contact you if (within 30 days after you are first contacted) you send the collection agency a letter stating you do not owe the money. If the collector sends you proof of your debt, such as a copy of the bill, he can renew collection activities.

How can I prevent credit card fraud?
- Keep a list of your credit card numbers, expiration dates, and the phone numbers of all card issuers in a safe place.
- When you use your credit card, watch your card after giving it to a clerk. Take your card back promptly after the clerk is finished and make sure the card is yours.
- Never sign a blank receipt. Draw a line through any blank spaces above the total when you sign receipts. Tear up the carbons when you take your credit card receipt.
- Open credit card bills promptly and compare them with your receipts to check for unauthorized charges and billing errors.
- Write card issuers promptly to report any questionable charges. Written inquiries should not be included with your payment. Instead, check the billing statement for the correct address for billing questions. The inquiry must be in writing and must be sent within 60 days to guarantee your rights under the Fair Credit Billing Act.
- Avoid giving your credit card number over the telephone unless you know the company is trustworthy. Never write your card number on a post card or on the outside of an envelope.

- Sign new cards as soon as they arrive. Destroy expired cards. Cut up and return unwanted cards to the issuer.
- If one of your credit cards is missing or stolen, report the loss as soon as possible to the card issuer. Check your credit card statement for a telephone number to report the stolen card. Follow up your phone call with a letter to the card issuer. The letter should contain your card number, the date the card was missing, and the date you reported the loss.
- If you report the loss before a credit card is used, the issuer cannot hold you responsible for any subsequent unauthorized charges. If a thief uses your card before you report it missing, the most you will owe for unauthorized charges on each card is $50.

What is a pyramid scheme?
A pyramid scheme is an arrangement where a large number of people (at the bottom of a “pyramid”) pay money to a few people (at the top of a “pyramid”). Each new participant pays for the chance to advance to the top and profit from payments of others who might join later. The promoters pitch that you can make a lot of money. The fact is, you can lose a lot of money, and usually that’s the case!

Beware, some promoters disguise their pyramids as legitimate multi-level distribution schemes (MLDS). A MLDS is a way of distributing products in which the products are sold by independent salespeople, usually in customers’ homes. As a distributor, you can build and manage your own sales force by recruiting and training others to sell those products. Your wages then
include a percentage of the sales of your entire sales group as well as your earnings on your own sales. The best protection is prevention; an informed consumer can learn to identify the difference between a fraudulent pyramid scheme and a legitimate MLDS.

How can I spot a pyramid scheme?
Take your time and avoid high pressure sales tactics; good opportunities do not disappear overnight. Ask questions about the company, the products (cost, fair market value, source of supply, potential market value in your area), start-up fees, and the company’s guaranteed buy-back of products. Do your research and get written copies of all the available company literature. Ask others who have had experience with the company, especially those no longer involved. Investigate, double check and verify all information. Contact authorities if a company seems questionable.

Where can I find more information?
- You can contact the Consumer Protection Section of the Louisiana Attorney General’s Office at 1-800-351-4889, or online at www.ag.state.la.us.
- You can contact the Federal Trade Commission (FTC) by visiting www.consumer.ftc.gov. If you suspect you’re the victim of identity theft, you can visit the FTC’s Identity Theft site at www.identitytheft.gov.
**MARRIAGE, DIVORCE, CHILDREN, CUSTODY & SUPPORT**

**What is required for a valid marriage?**
Generally, the civil contract of marriage requires a valid marriage license, an authorized official (generally a clergyman or judge), two competent adult witnesses, and the free consent of the two persons to be married.

**What might prevent a legal marriage?**
If one of the potential spouses is already married.

Incest; blood relatives cannot marry. Blood relatives include parents, children, aunts, uncles, nieces, nephews, siblings and first cousins. Legally adopted relatives are treated like blood relatives. However, persons related by adoption may marry once they receive written approval by a judge.

**When can someone obtain a divorce?**
Generally, a divorce will be granted under the following conditions:
- If there are no minor children born or adopted of the marriage, the spouses must be physically separated for at least 180 days before being entitled to a divorce.
- If there are minor children born or adopted during the marriage, the spouses must be physically separated for at least 365 days before being entitled to a divorce.

However, a divorce may be granted in less than 180 days if:
- A spouse has committed adultery;
- A spouse has committed a felony and has been sentenced to death or imprisonment at hard labor;
- During the marriage a spouse physically or sexually abused the spouse seeking divorce or a child of one of the spouses;
- A protective order or an injunction was issued during the marriage to protect the spouse seeking the divorce or a child of one of the spouses from abuse.
- In accordance with the terms and conditions of a Covenant Marriage.

**What is community property?**
Generally, you own an undivided one-half interest with your spouse in any property acquired during the marriage. Neither spouse can sell, mortgage nor lease their one-half interest until the community property is divided.

Community property includes the following:
- Property acquired during the marriage through the effort, skill, or industry of either spouse;
- Property acquired with community property;
- Property donated to the spouses jointly;
- Revenues derived from community property and separate property earned during the marriage;
• Damages, loss or injury to a community property asset;
• All property acquired during the marriage not classified as separate property.

If you do not want to have community property with your spouse, the two of you may execute a Matrimonial Agreement before a notary public and two witnesses before the marriage ceremony agreeing not to have community property. If you marry without execution of a Matrimonial Agreement, you will have to obtain a written court order by a judge if you later decide you do not want to have community property with your spouse.

How is child support determined?
Using the Louisiana Child Support Guidelines, child support will be based on the parents’ gross income. Both parents must submit current pay stubs along with tax returns to document income.

When does child support end?
Child support generally ends with the child reaches 18 years of age and has graduated from a secondary school (high school) or its equivalent or reaches 19 years of age, whichever occurs first. In some cases, child support may continue until the child is 22-years-old if the child is disabled. You should not stop paying your child support obligation without first checking with the court that ordered the child support.
Who is considered a parent?
Louisiana law may consider someone a parent even if they are not biologically related to the child. This can happen when a man is married to a woman at the time of delivery, or if the biological father acknowledges paternity through the “Louisiana Putative Father Registry.”

What are my legal responsibilities as a parent?
Parents have a legal obligation to support their children financially and emotionally. Parents also have the right to speak with and spend time with their children, even if they do not have custody, unless a court says otherwise. Parents must strive to provide their children with a safe place to live, an education, food to eat, and guidance. If a parent is in need of help providing this, they should contact http://www.dcfsl.gov/.

I do not get along with my child’s other parent. Should we go to court?
If you are unable to reach an agreement about the care of your child with the other parent, you may want to go to court. Courts can issue custody orders and child support orders which provide legal obligations that both parents must follow.

What is child abuse?
Child abuse means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of a child (a person less than 18 years of age who has not been judicially emancipated):

- Infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person;
- The exploitation or overwork of a child by a parent or any other person; or
- The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child’s sexual involvement with any other person or of the child’s involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.
What is child neglect?

Child neglect is the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect (by using illegal, controlled dangerous substances, or chronic or severe use of alcohol by a mother during pregnancy).
CRIMINAL CHARGES

What is a crime?
A crime is an act done in violation of the Louisiana Criminal Code, acts of the Louisiana Legislature, or the constitution of Louisiana.

What happens when I am arrested and what basic rights do I have?
If arrested, you can expect to be searched for weapons by the police and taken to a police station. You will be advised of your rights under the U.S. Constitution, through what is commonly called a “Miranda warning.” As soon as you request an attorney, the police are supposed to stop questioning you. It is your right to remain silent and not answer questions, and you also have the right to a phone call. If you cannot afford an attorney, the court will appoint one for you. You may be held at a detention facility until you make your first appearance at a hearing before a judge. You are given a hearing within 72-hours at which the judge will set your bail amount and appoint an attorney to you, if needed.

When can I be charged as an adult if I am arrested for committing a crime?
You can be charged as an adult as early as the age of 15, depending on the crime.

What if I cannot afford an attorney?
If you cannot afford an attorney, the court will appoint a public defender to represent you at your initial hearing.

What is an expungement and how do I know if I qualify?
Expungement is a court order to remove an arrest or conviction record from public access, but it does not mean destruction of the record. When a record is expunged, the public (including employers) should not be able to find out about prior arrests and convictions. But law enforcement officials and agencies, criminal justice agencies, and other state agencies as stated under Louisiana Law may still be able to find out about your record. A criminal record may keep you from getting schooling, housing, a job, a license, or a permit you need for a job, so getting an expungement, if possible, can help you support yourself and your family.

- In Louisiana, adult arrest and conviction records for an arrest that resulted in conviction usually cannot be expunged. A conviction exists if you pled guilty or no contest or were found guilty after a trial. But there are a few exceptions.
- Juvenile records may be expunged as well, but the rules are different from those for crimes committed as an adult. If you want to learn more about expunging juvenile records you can contact the Louisiana Center for Children’s Rights at http://www.lacr.org/.
• To have juvenile criminal records expunged you must meet these qualifications:
  § You must be 17 years or older to apply for expungement of a juvenile record.
  § Juvenile arrests may be expunged if they did not result in adjudication (i.e., conviction by guilty or no contest plea or trial).
  § Misdemeanor adjudication records (conviction by guilty or no contest plea or trial) may be expunged if it has been more than 2 years since you satisfied the most recent judgment against you.
  § Adjudication for certain felonies (those other than murder, manslaughter, kidnapping, armed robbery, and sex crimes) might be expungeable if more than 5 years have passed since satisfaction of your last judgment.

How long do I have to wait to apply for an expungement if I was never prosecuted?
Applications may be filed immediately following an acquittal or successful motion to quash.

• If the time limit for prosecution has run out and the District Attorney dismissed or refused prosecution, then an application for expungement may be possible. Generally, the DA has a specific amount of time after the date of the offense within which charges must instituted. As of July 2016:
  § No limit: Crimes punishable by death or life imprisonment
  § 10 years: Sex crimes against juveniles
  § 6 years: Felonies punishable by imprisonment and hard labor

How much does an expungement cost?
As of July 2016, the cost of expungement is $550. The amount must be paid in full at the time of filing because several agencies will receive a portion of this cost. They are as follows: $250 goes to the Louisiana State Police, $200 goes to the Criminal District Court Clerk, $50 goes to the parish District Attorney, and $50 goes to the parish sheriff.

How do I apply for an expungement?
An expungement requires a court’s approval. There are uniform forms in Louisiana that all courts will accept assuming it is the proper venue, the form is filled out correctly, and the person who files the motion is eligible for expungement. As of July, 2016, fill out the required forms and submit them to the Court with a background check that was acquired within thirty (30) days of the filing date. For example, if you are filing your expungement on January 30, 2015, then your background check must not be issued before January 1, 2015 and must be issued on or after January 1, 2015.
SEX CRIMES

What is “carnal knowledge of a juvenile” (also known as statutory rape)?
Carnal knowledge of a juvenile occurs when a person who is 17 or older has sexual intercourse with a person who is more than two years younger than them, but older than 13, regardless of whether the underage person gave consent. The lack of knowledge of the juvenile’s age is not a defense.

What are the penalties for carnal knowledge of a juvenile?
The penalties vary depending on the age difference between the offender and the juvenile. A person who commits this crime may be fined up to $5000, or imprisoned (with or without hard labor) for up to 10 years and may be required to register as a sex offender.

What is “sexting”?
“Sexting” is the act of sending sexually charged material, for example nude photos, via cell phone text messages.

Is sexting a crime? If so, what are the penalties?
You may be charged for child pornography if you send nude photographs or videos of a person under 17-years-old. You may be charged for solicitation of minor’s photography if you are 17-years-old or older and begin sexting with a person who is more than two years younger, but older than 13. The penalties vary depending on the nature and severity of the crime and may require the offender to register as a sex offender.

What is rape?
Rape is the act of anal, oral, or vaginal sexual intercourse with a person without their consent. This includes “date rape,” in which the victim knows the rapist. A person can also be charged with rape if they have intercourse with a person whose judgment is impaired due to drugs or alcohol, or the person has a physical or mental infirmity. A person can be charged with rape whenever the victim is under the age of 13, and not knowing that the person is under age is not a defense to rape. Any sexual penetration, however slight, is enough to be considered rape.

What are the penalties for rape?
The penalties for rape vary depending on the facts of each case, but the offender will be required to register as a sex offender and can be sentenced to prison.
TRAFFICKING

What is human trafficking?
Human trafficking occurs when a person knowingly does one of the following things: recruit, harbor, transport, provide, solicit, receive, isolate, entice obtain or maintain the use of another person through fraud, force, or coercion to provide services or labor.

- If someone is a victim of trafficking, this can be a defense to charges of prostitution, prostitution by massage, sexual conduct prohibited, crime against nature, or crime against nature by solicitation. This defense is available when the crimes listed were committed as a direct result of being trafficked.

Is human trafficking the same as sex trafficking?
Sex trafficking refers to the use of force to recruit a person to provide sexual services. Human trafficking includes sex trafficking and trafficking for other types of services or labor. Such as trafficking to have persons work as day laborers (persons who are employed one day at a time).
PUBLIC BENEFITS

What are SNAP, SSI, and other “public benefits” or assistance programs provided by the government?

The government makes available public benefits or assistance programs for people who need help with food, healthcare, and day-to-day expenses. To qualify for each of these benefits, you have to meet certain income, resource, health, and/or immigration status requirements. Depending on your circumstances, you may qualify for healthcare, food stamps, cash assistance, low-cost housing, energy assistance, and child care assistance.

SNAP, the Supplemental Nutrition Assistance Program, provides monthly benefits that help low-income families buy the food they need for good health. This benefit used to be known as food stamps. For most households, SNAP benefits make up only part of their food budget so they need to use some of their own money to buy enough food to last for the month. The amount of SNAP benefits a household receives depends on the number of people in the SNAP household and the amount of their net income.

- Households must be certain requirements to qualify for SNAP, including resource and income tests.

How do I apply for SNAP benefits?

Step One:

- Fill out an Application online at www.dcfs.la.gov.
- You can also apply for the Family Independence Temporary Assistance Program (FITAP) or Kinship Care Subsidy Program (KCSP) with this application.
- You can also download an application by visiting www.dcfs.louisiana.gov and fill it out by hand.

Step Two:

- Gather the documents you will need to verify the information in your application. Verification is proof of the information that you report on your Application for Assistance. The following information must be verified by the SNAP program:
  - Identity (driver’s license, work or school ID, ID for health benefits or another social services program, voter’s registration card, check stub, or birth certificate);
  - Social Security Number (copy of the social security card or papers you received at the hospital for a newborn);
  - Alien status (if not a U.S. citizen, forms or cards from USCIS that prove the person is a legal alien);
  - Wages (last four pay check stubs or employer’s statement for each person who works);
  - Self-employment (income tax returns, sales records, quarterly tax records, personal wage record);
• Other income (such as contributions, child support, alimony, Social Security, SSI, VA, retirement checks, Unemployment Compensation [UCB], award letters, court orders, statements from contributors);

• Income that stopped within the last three months (pink slip, termination notice, or statement from former employer, termination notice or statement from source of any income that ended);

• Housing expenses (rent receipts, mortgage papers, homeowners insurance papers, and property tax papers);

• Dependent care expenses (receipts or statements from the dependent care provider);

• Medical expenses (receipts, pharmacy printouts for last three months, doctor bills or other papers that show medical expenses for household members who are disabled or over the age of 59);

• Child support payments made to someone outside your home (court order or other legal papers and proof that you are making payments such as canceled checks or wage withholding statements);

• Resources (current bank statements, papers that prove ownership and value of property that you own [other than where you live], papers for any other type of resource such as stocks, bonds, certificates of deposit, etc.).

Step Three: (for downloaded applications filled out by hand only)

• Mail the completed form to the document processing center at: DCFS Economic Stability, P.O. Box 260031, Baton Rouge, LA 70826

• Or fax the completed form to (225) 663-3164.

Step Four:

• After receiving your application, a DCFS employee will call you to conduct an interview over the phone, saving you time. Please provide a valid telephone number for contact purposes.

• Or if a face-to-face interview is requested, you may schedule an appointment with any DCFS parish office through the DCFS website at www.dcfs.la.gov.

How are my SNAP benefits issued?

SNAP benefits are delivered electronically through Electronic Benefit Transfer (EBT) cards. Louisiana uses magnetic stripe card technology, like a credit or debit card. The card is typically referred to as the Louisiana Purchase Card.

SNAP benefits are given to the recipient’s account during the first 14 days of the month. Recipient benefits are accessible by 5:00 a.m. the morning after they are posted. Benefits are given to recipients on the same date every month regardless of the day of the week. Holidays and weekends do not affect the date of benefit availability. In emergency situations, benefits are available immediately.

Benefits are secure and accessible only to persons authorized by the recipient. The Personal Identification Number (PIN) is selected by the recipient and must be correctly entered in order to successfully complete all electronic transactions. As purchases are made at grocery store checkout lanes, recipient accounts are debited and the recipient is given a receipt which provides the remaining account balance.

You can check the balance of your EBT card online at: www.ebt.acs-inc.com/.

There are benefit restrictions on what is considered an eligible food item:
• **Households CAN use SNAP benefits to buy food for the household to eat, such as:**
  - Breads and cereals;
  - Fruits and vegetables;
  - Meats, fish and poultry;
  - Dairy products; and
  - Seeds and plants which produce food for the household to eat.

• **Households CANNOT use SNAP benefits to buy:**
  - Beer, wine, liquor, cigarettes or tobacco;
  - Any nonfood items, such as:
    - Pet foods;
    - Soaps, paper products; and
    - Household supplies;
  - Vitamins and medicines;
  - Food that will be eaten in the store;
  - Hot foods.

In general, food products that contain alcohol or tobacco, items that are not intended for human consumption (e.g. paper products, pet foods, etc.), vitamins and supplements, and foods sold hot at the point-of-sale, are not eligible for purchase with SNAP benefits.

**What is WIC (Women, Infants and Children)?**

WIC is a Special Supplemental Nutrition Program for pregnant, breastfeeding, and postpartum women, infants, and children. WIC provides nutritious foods, nutrition information, breastfeeding promotion, breastfeeding support and referrals to other health and social services.

If any of the following apply to you, you may qualify for WIC.
- Pregnant;
- Breastfeeding (up to infant’s 1st birthday);
- Recently gave birth (up to 6 months after birth of an infant or after pregnancy ends);
- Have an infant (up to the age of 1); or
- Have a child under the age of 5.

Benefits provided by WIC include supplemental nutritious foods; nutrition education; counseling at WIC clinics; and screening and referrals to other health, welfare and social services.

You can applying for WIC benefits by visiting [www.dhh.louisiana.gov](http://www.dhh.louisiana.gov). You can also contact your local WIC agency to schedule an appointment.

**What is FITAP (Family Independence Temporary Assistance Program)?**

FITAP provides cash assistance to families with children when the financial resources of the family are insufficient to live off of. The amount of assistance a family receives is based on family size.

There are several cash benefit restrictions for FITAP recipients:
- FITAP cash benefits provided through EBT cards cannot be used at certain types of stores and establishments. These benefits are intended to meet the basic needs of families.
- FITAP benefits cannot be used in any EBT transaction to purchase:
  - An alcoholic beverage (beer, wine, hard liquor);
  - A tobacco product (cigarettes, chewing tobacco, etc.);
  - A lottery ticket (including scratch-off tickets); or
  - Jewelry.
- There can be penalties if recipients use their cash benefits for the purchase of ineligible items listed above, or at an improper establishment.

**What is SSI (Supplemental Security Income)?**

SSI is a program that provides a modest monthly income to people with disabilities who have limited income.
and resources. To qualify for disability benefits you must be found “disabled” under Social Security’s definition. The definition of “disabled” is different for children and adults.

SSI Disabled Child Benefits: To be considered disabled as a child: you must have a physical or mental condition(s) that very seriously limit your activities and your medical condition(s) must have lasted, or be expected to last, at least one year or be expected to result in your death.

- If you received SSI benefits as a child, you may qualify for SSI benefits as an adult. When you turn 18, the Social Security Administration (SSA) will re-evaluate you. Benefits will continue during the re-evaluation. If the disability meets the regulations for adults, the SSI benefits will continue uninterrupted. If SSA decides that you are no longer disabled, you will no longer receive benefits. But there is a right to an appeal. If the appeal is filed within 10 days of the SSA decision, you can continue receiving benefits during the appeal process.

SSI Disabled Adult Benefits: To be found disabled: you must have a severe impairment; you must be unable to do substantial work because of your medical condition(s); and your medical condition(s) must have lasted, or be expected to last, at least one year, or be expected to result in your death.

Apply immediately if you have become disabled or expect to be disabled for more than a year. The best way to file for disability benefits is online at www.ssa.gov. You can also make an appointment with your local Social Security office and file a disability claim in person, or file via phone using the toll-free telephone number 1-800-772-1213.

- Your application will be evaluated by a state disability agency. A decision to either award or deny benefits will be made and you will be notified in writing, by mail. It usually takes 3-4 months to get a decision.

- If your application is denied, you can appeal. You must appeal within 60 days of receiving the denial notice.

What is Medicaid?
Medicaid provides medical benefits and insurance to low-income individuals and families. Before you receive a service from a doctor or health care provider, you should ask your doctor or provider about limits to receiving the service or if the service needs to be “prior authorized.” Prior authorized means Medicaid has to agree to the service before it can be authorized to a patient.
In Louisiana, you qualify to receive Medicaid if you:

- Receive Supplemental Security Income (SSI) from the Social Security Administration (SSA).
- Aged out of foster care and are under 26 years old. Please note that if you aged out of care in Louisiana, but plan to move to another state, the other state is not required to provide Medicaid coverage to you.
- Get financial help from the Office of Family Support (OFS) through the Family Independence Temporary Assistance Program (FITAP).

You may also qualify for Medicaid coverage if you:

- Are disabled according to the SSA’s definition.
- Have corrected vision no better than 20/200.
- Are a low-income parent of children under the age of 19.
- Are pregnant.
- Have no insurance and need treatment for breast and/or cervical cancer.
- Receive Medicare coverage and are low-income.

There are several ways you can apply for Medicaid or get more information:

- Apply or renew coverage for any Medicaid program by visiting the Louisiana Medicaid Online Application Center at http://new.dhh.louisiana.gov. Once you submit the online application, it is sent immediately to the Medicaid office for process. There is no delay for mailing or faxing a paper form.
- Call the Medicaid hotline toll free at 1-888-342-6207 for help applying. Agents accept calls Monday through Friday from 7 a.m. to 5 p.m.
- Contact any Medicaid Application Center statewide. For a list of Medicaid Application Centers in Louisiana, visit http://new.dhh.louisiana.gov.
- Download and print a Medicaid application and then mail it to P.O. Box 91278, Baton Rouge, LA 70821-9278. You can also fax the application to 1-877-523-2987.
- Contact your local Medicaid office for help applying. For a list of Medicaid Offices in Louisiana, visit http://new.dhh.louisiana.gov.

Are my public benefits affected when I turn 18?

Once you turn 18, you may be able to apply for public benefits on your own. You can also get benefits in your own name or become your own payee.

SSI changes when you turn 18. You can become your own payee, which means that you will receive your own Social Security check. However, you may still need a payee if the Social Security Administration believes you are not capable of managing or directing the management of your money. Also, at 18-years-old you may no longer be eligible under certain disabilities.

Who controls my medical decisions once I turn 18?

Once you turn 18, you have the sole ability to consent to medical care and treatment without having to get your parents or spouse’s permission. Even if you are married, you make your own health care decisions and your spouse does not have the right to change them. However, the court will appoint someone to make decisions for you if you are mentally disabled and the court deems you unable to make medical decisions for yourself.
WEB SAFETY

What are some ways I can protect myself on the internet?

Common practical tips for protecting yourself on the internet include:
- Consider what you share in profiles.
- Think about photos before sharing.
- Check a company's privacy policy before buying.
- Watch out for phishing scams.
- Keep an eye on accounts.
- Be aware of your internet presence.
- Report identity theft.
- Be on the lookout for sexual predators.

Common practical tips for keeping your accounts secure include:
- Choose a great password.
- Don't use the same password on multiple sites.
- Keep your passwords in a safe spot.
- Watch out for keyloggers and malware.
- Stay vigilant at all times.
- Think before opening email attachments.
BECOMING AN ADULT: Legal Rights in Louisiana

Louisiana State Bar Association
Children's Law Committee