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Dear students, parents, school administrators and citizens:

This booklet is designed to answer many of the questions which teens have been asking about their responsibilities and rights. As District Attorney, I am very concerned about the high number of young people who are being contacted because of delinquent behavior. Much of this illegal activity could have been averted with better education and an exercise of common sense. We have all made mistakes when we were younger and also avoided mistakes because of information we received from parents, teachers, mentors and friends. By providing information on what the law says about certain types of activity, hopefully lessons can be learned without experiencing the consequences of the justice system.

We used the title terms "Responsibilities and Rights" as opposed to "Rights and Responsibilities", for a good reason. Rights are secondary to responsibilities. If you do not act responsibly, your rights can very easily be taken away. Therefore, to be a good, law abiding citizen you always must place responsible behavior first. Then, with that responsible behavior, your rights can be fully enjoyed.

Young people owe it to themselves to become not only students of the law, but also respect its purpose in our society. Hopefully this booklet will help with both.

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Larry R. Abrahamson

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*This booklet is intended to inform you of your legal rights and more importantly, to emphasize the necessity of showing responsibility in the way you conduct your life. Your rights will exist through your demonstration of responsibility in the exercise of those rights.*

*The topics and areas mentioned in this booklet provide you with a guide and are not exhaustive of any subject or a substitute for a more detailed analysis of the law. If more information is needed, an attorney should be consulted to fully explore the legal issues with you.*

# SCHOOL SAFETY

As a student you are entitled to a safe and secure learning environment. The learning environment extends beyond the classroom to all school property and to school-sponsored transportation (e.g., school buses) to and from school activities.

## What is the school Safe Zone?

The Colorado Legislature has established a Safe Zone within 1000 feet of the perimeter of any public or private school or housing development. Any person 18 years of age or older, who unlawfully uses, sells, distributes, or exchanges a controlled substance within that zone will be considered by the court as a Special Offender and subject to severe penalties.

## What are the laws that relate to students with weapons?

Any student who possesses a deadly weapon on private or public school property shall also be considered by the court as a Special Offender and subject to greater penalties. A "deadly weapon," is any gun (including pellet and BB), knife, bludgeon (i.e. bat or club) or other item that is used, or intended to be used, in a manner **capable of producing serious bodily injury or death.**

Most school districts have adopted a "**zero tolerance**" policy with regard to weapons. This means that there are no exceptions and no excuses accepted for possessing weapons on school property. **As a practical matter, students should be aware that even "innocent" possession of a weapon could result in criminal prosecution and expulsion.** A weapon possessed without any intent to harm could still fall into the hands of a violent person and thus threaten the lives and safety of innocent students.

Your school policy may also include simulated weapons or toy weapons for purposes of suspension or expulsion.

## What is expected of me if I am asked to leave school property?

School premises are protected against unlawful trespass. A student or any person may be charged with trespass if he or she refuses to leave the property of the school when told to by the chief administrator or his or her designee. That student or person must have been asked to leave because of involvement in committing or attempting to commit a disruption, interference, or impairment of the school's lawful mission or functions. If the person who is asked to leave is 18 or older, he can be charged with a crime. A person under 18 would be charged and sentenced as a juvenile delinquent.

## **What can happen if I am disruptive or violent on school property?**

You should be aware that the willful activity of any student that impedes the staff or faculty of an educational institution in the lawful performance of their duties or impedes any student in the lawful pursuit of educational activities may be punished as a juvenile delinquent. If the offender is 18 years of age or older, the court can punish with fines of \$50 - \$750 and/or a jail sentence up to six months.

The Office of the District Attorney will report any crime of violence by a student, regardless of where committed, to the school. The student may face immediate expulsion as well as lose all academic credit earned during the semester.

Colorado law states that there are certain activities that **require** the schools to expel students. These include:

- Carrying, bringing, using, or possessing a Deadly Weapon without being given permission from the school.
- Selling a drug or controlled substance.
- Committing the crime of robbery or serious assault on or away from school property.

As of July 2000, the state legislature has now required the district attorney to notify the schools of any petition of delinquency filed in juvenile court.

Your school board may establish additional policies that require expulsion apart from state law requirements.

## **What are my responsibilities if I am suspended or expelled?**

Your school policy manual needs to be carefully read. You will be responsible for knowing what your school expects based on policies passed by your Board of Education.

Most policies prohibit students who have been suspended or expelled from returning to school property or attending school activities without specific permission from the school. If you are on school property, but do not have the school's permission, you may be charged with trespass.

## **Do school officials or police have a right to search my desk or locker without my consent?**

Yes.

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches by government officials of areas where a citizen has an expectation of privacy, unless consent has been given or a search warrant obtained. However, the Supreme Court of the United States has ruled that school officials may conduct and/or consent to the search of a student's desk or locker by police. Evidence found in such searches may be used against a student in school disciplinary proceedings and in court.

This rule is extended to purses and back packs also when a school official has good reason to suspect the student has drugs, weapons or other items that would be in violation of the law or school rules.

For example: a female student is suspected of smoking cigarettes in a school restroom but denies it when confronted by school officials. The school principal then searches the student's purse. Whatever is found in the purse, whether it be cigarettes, drugs, etc., it can all be used against the student later in disciplinary and court proceedings.

## **Can the school require that I take a drug test?**

Under certain circumstances, yes.

The United States Supreme Court has ruled that school officials may screen student athletes for illegal drug use by requiring the athletes to submit to random urinalyses. If an athlete is found to have illegal drugs in his/her body, it may affect his/her eligibility to play sports.

## **SCHOOL ATTENDANCE**

The School Attendance Law of 1963 requires that any child 7 through 15 years of age attend school. The court can order penalties for not complying with this law. These penalties may include community service hours, supervised activities, counseling, or anything else the court deems necessary. Parents who have been ordered by the court to assist their children in complying with school attendance laws and refuse, may be fined and/or jailed.

The Colorado Constitution requires that you attend school until you are 16; however, if you are under court supervision, you may be ordered to attend beyond that age.

# JUVENILE COURT

## What is the purpose of a juvenile court?

In Colorado the Juvenile Courts were established to provide for the special needs of children in the justice system. A Children's Code was written with the purpose of creating a system of juvenile justice that will appropriately sanction or correct juveniles who violate the law.

## Who is a juvenile delinquent?

A juvenile delinquent is anyone 10 through 17 who commits a federal or state crime, violates certain county or municipal ordinances, or disregards or refuses to comply with court orders issued under the Children's Code.

## What happens to delinquent children?

The Juvenile Court Judge or Magistrate will consider many factors in sentencing a juvenile delinquent. For example, the judge will consider the severity of the offense; the juvenile's physical, emotional, or educational needs; the family or community resources available; the juveniles' prior record; and the impact the offense has on the victim and the community in which the juvenile lives.

After a full review of the circumstances, the judge may decide on one of the following as a legal consequence:

- Pay a fine up to \$300 plus a 37% surcharge.
- Serve up to 45 days in detention.
- Perform community service as set by the court.
- Refrain from associating with certain friends or being involved with gangs or others who are on probation or charged with criminal conduct.
- Repay the victims within a period of time set by the court.
- Follow a curfew set by the court.
- Wear an ankle monitor for a specified period of time.
- Be evaluated psychologically and/or for drugs and alcohol.
- Enroll in a drug or alcohol treatment or counseling program with random drug testing.
- Perform up to one's ability in school and maintain a certain grade point average.
- Lose driving privileges until more responsibility is shown.
- Comply with other orders the Court believes would assist the juvenile in staying out of trouble.

2. The juvenile may be ordered out of his home for a specified period of time. This may mean residing in a foster home, group home, or a locked facility at the Department of Youth Corrections.

3. The juvenile may also, if approved by the court, choose to attend the drug court to specifically address addiction and heavy usage.

4. The juvenile could also be prosecuted in the adult court under certain circumstances.

### **Did the law change in 1997 regarding how juveniles are handled by the courts?**

Yes.

There have been a number of changes that may effect the consequences facing young people charged with criminal or delinquent offenses.

Not too many years ago, with few exceptions, all juveniles charged with a crime were charged in the Juvenile Court. With the increase of illegal gang activity and violent behavior, the lawmakers have taken a "get-tough" attitude towards juveniles who commit serious crimes and who have not responded to previous court orders.

The most significant changes involve the limiting of juvenile jury trials and the increased ease with which a person under 18 can be prosecuted as an adult.

A juvenile may be prosecuted as an adult if:

- The juvenile is 14 years of age or older and commits any crime that carries a penalty of 8 - 24 years or life in prison (categorized as Class 1 or 2 Felonies). Some of the crimes that fall into this category are: first and second-degree murder; kidnapping a sexual assault or robbery victim; some sexual assaults; and burglary of drugs.
- The juvenile is 14 years of age or older and commits any felony crime of violence or a felony involving any **dangerous, deadly, or illegal weapon**. There are some minor exceptions. These crimes include those using weapons to threaten or assault someone. For example, if a juvenile points a gun or knife at a person with intent to scare that person, charges could be filed in the adult court.
- A juvenile who commits **Vehicular Homicide, Vehicular Assault, or a serious Arson**.

- Any juvenile, 16 years of age or older, who within the past two years has been found to be delinquent on a felony offense, and now commits a **Class 3 felony** such as:
  - Robbery involving a weapon.
  - House burglary.
  - Some sexual assaults.
  - Some deadly weapon assaults.
  - Some arsons.
  - Thefts or crimes involving damage or loss over \$15,000.
  - Other less-common, serious offenses.
- A juvenile who attempts, conspires, or aids and abets any of the crimes named above may also be prosecuted as an adult.

In addition, the 1997 revised Children's Code gives law enforcement officers more latitude in the interrogation of juveniles. The new Code also adds new parental-responsibility provisions.

**Other than delinquency, are there other laws that have an effect on the treatment of juveniles in court?**

Yes.

Besides the School Attendance Law of 1963 previously discussed, there are dependency and neglect laws that significantly impact juveniles and parents. These laws generally address abuse, neglect, parental control issues, and running away.

**What can happen to me if I run away?**

Since your parents are responsible for your health and safety they may report you to a law enforcement agency. If the police find you, they will contact your parents, take you home, or report the case to the Department of Human Services. The Department of Human Services may then begin an investigation of your home situation.

**If I am a runaway, can the people I stay with get into trouble?**

Possibly, depending on the circumstances.

It is against the law for anyone to secretly provide a place for you to stay while running away. The people you are staying with must contact a law enforcement officer or your parents, legal guardian, or legal custodian within 24 hours.

## **What can happen if I refuse to obey my parents, but I am not committing any crimes?**

This behavior usually comes to the attention of others because you are running away, violating curfews, or just making the life of your parents and people around you miserable.

There are many scenarios that may indicate you are "out of control," and each one may require a different response by parents or the courts. Generally, counseling and parenting programs should be considered before calling on government resources, since once the justice system is involved, the parent might not always be able to direct the course of events. In such cases, parents may be required to follow what the court deems as most appropriate and pay the costs of services ordered.

The following are a few examples, with comments, that may cause the court to intervene:

- **Running away:**

Police should be called. Counseling should begin in order to address the family's concerns when the child is returned. The courts may be involved if a Dependency and Neglect action is filed. This action will address placement and living options for the child, counseling alternatives, and other control measures.

- **Beyond the control of a parent, guardian, or legal custodian:**

This occurs when the child refuses to follow any rules or regulations that the family has set, and the parent or guardian is no longer able to protect or direct the child. This child also can be declared neglected or dependent through an action brought by the Department of Human Services. If this occurs, the court - - not necessarily the parents -- will determine what is needed to bring the child back under control.

- **Refuses to go to school:**

School attendance laws are charged and enforced when other efforts fail.

- **Drinking and drug abuse:**

These are crimes, and very likely will result in adult or juvenile court proceedings.

- **Refuses to follow the court orders:**

If a juvenile refuses to follow the court's orders issued under the Children's Code,

the court may find him in contempt or the District Attorney may file a delinquency charge against him. If a delinquency petition is filed, the court has all the previously discussed sentencing options available to it. If the juvenile is found in contempt of court, the judge can impose fines, detention, community service, or any other sanction the court decides will resolve the problem.

### **What if I feel that I am being abused or neglected at home or elsewhere?**

If you are running from abusive or neglectful situations you should talk to a police officer that handles abuse and neglect cases or someone from the Department of Human Services. Professionals who specialize in this area take these allegations very seriously. These professionals can help you and your family properly assess whether your situation is in fact abusive or neglectful.

### **What is abuse or neglect?**

Generally, abuse or neglect occurs when a child's health or welfare is threatened because of what someone does or does not do. Examples are:

1. Injuries that are inconsistent with the reasons given for their occurrence.
2. Living conditions that are injurious to the child's health or the child is homeless.
3. Sexual abuse or molestation of any kind.
4. Parents or guardians who fail to provide food, shelter, clothing, education, medical care, or supervision.
5. A child who is a runaway or otherwise beyond the control of the parents.

### **Do I have the same rights that adults have if I am arrested?**

Yes. However you are also responsible for your behavior.

These rights include the right to remain silent, stop talking to an interrogating police officer at any time, and request the presence of a lawyer. Juveniles have the additional right, under most circumstances, to have parents or a parental representative with them when questioned.

### **Must my parents always be present when the police talk to me?**

No.

Any law enforcement officer can talk to you with or without your parents or adult present. You may be questioned about a crime as the person suspected or as a witness without anyone other than you and the officer present. The only time an officer must have your parent or a responsible adult present is if the officer has

you **in custody** and **is questioning** you about a crime in which you may have been involved. This is called "custodial interrogation." If there is custodial interrogation taking place without an advisement of your rights and without the proper adult present, the officer cannot use what you say against you. Your case is not necessarily going to be dismissed or thrown out of court as a result of you being questioned without a proper advisement. The officer may have enough information to charge you, apart from your statement. The officer may decide to question you just to get your version of what happened.

As in adult court, any delinquency case brought against a juvenile must be proven beyond a reasonable doubt.

### **Do I have any special rights or protections in court?**

An adjudication of delinquency is not the same as a criminal conviction. However, adult courts can use past juvenile acts and adjudications when considering their sentence. Juvenile court hearings are open to anyone, but, unless the charge is a class 4 felony or greater, arrest and criminal records information is not available to the general public without a court order. If the delinquent act is a crime of violence, the information **will** be made available to the public and sent to your school district. Unlike adult records, there is a record-sealing process called **expungement**. Expungement **is not automatic at age 18**. Different crimes have different waiting periods, and you must apply to the court in order to have your records expunged.

The waiting period to expunge a delinquency record may run from 4 to 10 years. If there are aggravating circumstances surrounding the juvenile's crime, such as a crime of violence, the juvenile may never be able to get his record expunged.

Persons who have had their juvenile records expunged or sealed may lawfully and properly reply that no such record exists. However, the record is still available to the district attorney, law enforcement, the courts, and the department of human services. After an order of expungement has been entered, effected government agencies cannot thereafter show your records to anyone else without an order from the court.

## **EMANCIPATION**

### **How does a person become emancipated?**

To be emancipated, the juvenile must be at least 16 years of age and independent in matters of care, custody, and earnings, or be married or in the military. If this can be clearly shown, a juvenile may then be considered emancipated. There is no formal procedure necessary to become emancipated. Emancipation is a status that a person finds himself in rather than a legal process

that "emancipates." If a parent signs an affidavit stating that you are considered emancipated it may help to prove your status but is not necessarily the only thing the courts would look at if your emancipation is challenged.

**What does it mean to be emancipated?**

If, as an emancipated juvenile, you are accused of a crime or are under investigation, parents need not be notified when a police officer is questioning you, nor do they need to attend court hearings with you.

Emancipation does not give you complete rights as an adult. There still may be activities that require parental consent or presence. For example: signing contracts, applying for loans, and marrying (see MARRIAGE page 18). In addition to "rights", emancipation also brings increased responsibilities.

## **TRAFFIC LAWS**

**When can I start driving?**

The legal driving age in Colorado is 16 years of age. However, if you are under the age of 18 the law requires you hold an Instruction Permit for 1 year prior to obtaining your driver's license.

**To obtain an Instruction Permit:**

- If you are 15 years of age you can obtain the permit if you are enrolled in Driver's Education and your parents sign an affidavit of liability.
- If you are 15 years 6 months you can obtain the permit if you are enrolled in Driver's Education or Alive at 25 sponsored by the State Patrol in addition to your parents signing an affidavit of liability.
- If you are 16 years of age you can obtain the permit if your parents sign an affidavit of liability.
- **\*\*\*NOTE\*\*\*** If you are under the age of 16, either your parents, your Driver's Education instructor, or both need to sign an affidavit of liability. You are allowed to drive on your Instruction Permit only when accompanied by an individual who has signed the affidavit of liability (your parents, Driver's Education instructor, or both).

**Are there new restrictions for minor drivers?**

Yes, the new restrictions for minor (under the age of 18) drivers are as follows:

- You may not drive a motor vehicle between the hours of 12 midnight and 5am until you have had your valid driver's license for one year (unless

possessing proof you are going to or coming from a place of employment).

- All passengers must wear safety belts.
- You may not have any passengers under age 21 in the car with you until you have had your valid driver's license for at least six months. (except for members of the driver's immediate family)
- You may have only one passenger under age 21 in the car with you between the six months and a year of obtaining a valid driver's license. (except for members of the driver's immediate family)

**When applying for a driver's license you must comply with all of the following:**

- A certified copy of your birth certificate; a previous driver's license; a state issued ID; or other valid proof of name, birth date, and identity.
- Pass all required exams.
- Pay a fee.
- Be fingerprinted and photographed.
- Supply a Colorado residence address.

**Where can I apply for my Instruction Permit?**

The Colorado Department of Revenue generally has a local office that administers tests and issues licenses.

**Am I a fully licensed driver once I turn 16 and pass the driver's test?**

No. As of July 1, 2001, your first license is a minor license that is valid until you are 21. You may then apply for a license as a fully licensed adult driver.

**How can I lose my license?**

You may lose your driver's license as a result of either traffic or non-traffic offenses. Traffic violations often result in the accumulation of penalty points. Also, parents can cancel your driver's license if you are under the age of 18.

**Penalty Points:**

Under 18:

- You are allowed 5 points on your driver's license in any 12 consecutive months. If you receive a 6th point during those 12 consecutive months, you will lose your privilege to drive.
- At any point before the age of 18, if you receive a 7th point, you will lose your privilege to drive.

Between the ages 18-21:

- You are allowed 8 points total on your driver's license in any 12 consecutive months. If you receive a 9th point during those 12 consecutive months, you will lose your privilege to drive.

- You are also allowed 11 points in any 24 consecutive months. If you receive a 12th point during those 24 consecutive months, you will lose your privilege to drive.

Regular Driver (ages 21 and over):

- You are allowed 11 points in any 12 consecutive months. If you receive a 12th point during those 12 consecutive months, you will lose your privilege to drive.
- You are also allowed 17 points in any 24 consecutive months. If you receive an 18th point during those 24 consecutive months, you will lose your privilege to drive.

The following are some of the actions/violations that because of points of otherwise, will result in the suspension, revocation, or cancellation of your license:

- Being convicted of driving under the influence of alcohol or drugs.
- Refusing, as a driver, to be tested for alcohol or drug content in your blood.
- Leaving the scene of an accident without stopping, exchanging information, and rendering aid.
- Failing to report an accident to the Colorado Motor Vehicle Division according to the requirements of the Financial Responsibility Law.
- Giving false information on your driver's license application.
- Failing to settle a judgment against you as a result of an accident while operating a motor vehicle.
- Lending your license to someone else or misusing it in any way.
- Altering or defacing your license.
- Defacing property.
- Failing to appear for a special re-examination as requested by the Motor Vehicle Division.
- Using a motor vehicle while committing a felony.
- Being convicted of Vehicular Homicide or Vehicular Assault.
- Being convicted of a drug offense.
- Being convicted of obtaining, possession, or consuming alcohol while under the age of 21.

**If I fail my driving test, will I be able to retake it?**

Yes, but there is a waiting period.

When must I wear my seatbelt?

Persons driving or riding as passengers in a motor vehicle must wear fastened seatbelts when the vehicle is being operated on streets and highways in this State. A violation is a Traffic Infraction. It is also a violation to drive with more passengers in the vehicle than there are seatbelts.

You may not drive a motor vehicle between the hours of 12 midnight and 5am

## DRIVING UNDER THE INFLUENCE (DUI)

It is unlawful for any person impaired or under the influence of alcohol or drugs to drive any vehicle in Colorado.

You are **impaired (DWAI)** if you are affected to the slightest degree by alcohol, drugs, or both.

You are **under the influence (DUI)** of alcohol or drugs when you are substantially incapable of exercising clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

### How would alcohol or drugs affect my driving?

Alcohol or drugs can cause poor judgment, loss of concentration, vision problems, impaired reaction time, and other physical and mental effects. Alcohol or drug-impaired drivers constitute a major threat to the safety of the people using the streets and highways.

### What happens if I refuse to allow a police officer to test for alcohol or drugs?

Driving a vehicle in Colorado is a **privilege, not a right**. Therefore, state laws, rules, and regulations strictly control the use of your license and privilege to drive.

The state will revoke your license if you refuse to take, or refuse to cooperate in the taking of, any tests of blood, breath, saliva, or urine for the purpose of determining the level of alcohol or drug content in the blood. The period of revocation will be for one year even if you are later found to be innocent of driving under the influence. If you are found guilty of DUI, another year will be added to the suspension.

### What is the penalty if I am convicted of driving under the influence?

Offense	Jail	Fine	Community Service
DUI (1st)	5 days - 1 year	\$300 - \$1000	48 hrs - 96 hrs
DUI (2nd)	90 days - 1 year	\$500 - \$1500	60 hrs - 120 hrs
DWAI (1st)	2 days - 180 days	\$100 - \$500	24 hrs - 48 hrs
DWAI (2nd)	45 days - 1 year	\$300 - \$1000	48 hrs - 96 hrs

In addition to penalties stated above, there are other monetary costs such as increased insurance premiums or cancellation of insurance, legal fees, court costs, supervision fees, and all assessment and treatment costs. Your total financial obligation may be in excess of \$1,000.00.

## **ALCOHOL/TOBACCO**

The state of Colorado does not permit anyone under the age of 21 to consume or possess alcohol.

The school district may also have rules prohibiting tobacco use or possession while on school property or at school functions.

### **What is the law on tobacco usage?**

It is a crime for any person under the age of 18 to purchase cigarettes or tobacco products, or to furnish cigarettes or tobacco products to any person under the age of 18. Upon conviction, the violator may be fined from \$100 for purchasing, to \$200 for furnishing the tobacco product.

### **What if my parents allow me to drink alcohol?**

The underage drinking law does not apply to beverages served in a private residence with the approval of the under-aged person's parent, **who is present**. There are also other exceptions, such as those for religious or medical reasons. Your parents cannot give you legal permission to drink alcohol outside their presence or in a public place.

### **What if I am under 21 and simply help an adult carry a six-pack of beer to his car?**

You may be in violation of the law and could be charged.

### **What could happen to me if I am charged and convicted?**

While you are under 21, possession and consumption of alcohol is illegal and a Class 2 Petty Offense. You may be charged in the County Court as opposed to the Juvenile Court. The court may sentence you with a fine of \$100, require you to perform up to 24 hours of community service, complete alcohol evaluations, treatment, and education programs at your expense, plus lose your driving privilege for up to one year.

First MIP: you will lose your driving privilege for 3 months, however, you have the opportunity to earn your driving privilege back once you complete your

community service hours and present proof to the Department of Motor Vehicles.

Second MIP: you will lose your driving privilege for 6 months.

Third MIP: you will lose your driving privilege for 1 year.

To get your driver's license back, you will be required to pay a reinstatement fee, purchase high-risk insurance, and retake the driving and written exams.

If you are under the age of 18 when found guilty and charged as a juvenile, you will be subject to the same juvenile sentences that are available for any delinquent offense. These sentences could be more severe than those provided for an adult petty offense.

### **What if I use someone else's ID to purchase alcohol?**

If you are 18 years of age or older, but not yet 21, purchasing alcohol with someone else's ID carries a penalty of \$250 - \$1000 and/or three months - one year in jail. A second offense may result in more severe penalties.

If you are under the age of 18, you could be charged with a delinquent offense and sentenced to any fines, detention, probation, or restrictions provided by law. This could mean paying a fine of up to \$300, performing an unspecified number of hours of community service, serving up to 45 days in detention as part of probation, being committed to the Department of Youth Corrections, as well as being ordered to comply with any other condition or restriction the court decides is necessary.

### **What is an "open container" law?**

Many cities have their own ordinances regulating alcohol. These ordinances may restrict open alcoholic containers in public areas and in vehicles within city limits. "Open container" generally means any alcoholic container that is open or has its seal broken. This also includes any container that alcohol has been transferred into. Individual cities and towns can set the penalties, and these penalties may vary from place to place.

If you are under 21, the mere possession of alcohol is against the law regardless of whether the container is open or not. If charged with the state statute you would face the penalties noted above. If convicted of a municipal violation, the town or city you are in at the time of the act will set the sentence.

## **EMPLOYMENT**

### **When can I get a job?**

It depends on the job you want. The rules are contained in the "Colorado Youth Employment Opportunity Act of 1971."

Some jobs do not have age limits, such as the work you do for your parents -- as long as your parents are not receiving money for the work. You can also be employed as a newspaper carrier, child actor, etc.

If you are between the ages of 9 and 13, you can be employed to distribute advertising, handbills, etc. You may also perform certain cleaning and upkeep jobs as long as power equipment is not used. You may also be a caddie at a golf course or perform similar work.

If you are 12 or 13, you can sell periodicals and merchandise door-to-door, babysit, do yard work, clean, and do agriculture work with limited use of power equipment (some equipment is approved while some is not. -- check with the State Division of Labor to get a determination if your power equipment is approved), or any similar work.

If you are 14 or 15, you can act as a messenger and work in retail stores, restaurants, gas stations, janitorial services, nonhazardous manufacturing jobs, parks and recreation jobs, and similar types of employment.

If you are 16 or older you can work in all occupations allowed for younger youth as well as positions that require the use of a vehicle.

No one under 18 is allowed to work in a hazardous occupation without proper training.

You should also be aware that some employers might refuse to hire young people because of potential liability and insurance requirements.

### **Can I work while I go to school?**

Yes, but only if you are at least 14.

If you are 14 or 15 you will need a School Release Permit. This is given by your school superintendent or a person the superintendent designates. The job must be specific and your parents must approve. This permit is good for a 30-day period and can be withdrawn by the school if it determines that continuation of your employment is not in your best interest.

The length and time of your working hours are regulated and should be explained to your school when you obtain the School Release Permit.

### **Are there exceptions to these general employment rules?**

The director of the Division of Labor can grant exemptions to the Colorado Youth Employment Opportunity Act of 1971. The director does not, however, have authority to grant exemptions to the School Release Permit.

### **Is it legal for an employer to pay less than minimum wage?**

An employer can pay employees under 18, who are not emancipated, up to 15% less than the minimum wage.

## **MARRIAGE**

### **At what age can teenagers marry?**

If both partners are at least 18, they can marry without parental permission.

If teens are 16 or 17, they need the consent of their parents. If parents cannot be located or refuse to permit the marriage, the couple can ask a court to grant permission to marry. The court will consider everyone's position before allowing the marriage, including your parents.

Permission to marry must be granted by the court and parents if the teenagers are under 16.

In Colorado, pregnancy does not give you an automatic right to marry

## **RIGHTS OF PARENTS**

### **What can happen to my parents if I get into trouble?**

Along with any sentence a juvenile receives, parents of the offender can also be ordered to perform community service, attend a parent-responsibility training program, perform services for the victim, and pay up to \$25,000 in damages for each delinquent act.

### **How long are my parents responsible for me?**

Your parents are responsible for your care and guidance until you reach the age of 18 or become emancipated (see EMANCIPATION page 10). If you are in school and your parents are separated or divorced, they may be held financially responsible for your education up to age 19.

### **If my parents are separated or divorced, do I have any right to decide which parent I want to live with?**

Not entirely.

The court will take the wishes of the child into consideration when making a decision of which parent is to have custody, but the ultimate decision will be based on what the court believes is in the best interest of the child. The child's desire is just one factor that is considered.

### **Can parents lose their rights as parents?**

Yes.

Parents can give up parental rights through adoption or have their rights terminated by a court. Termination is generally ordered as a result of abuse or inability to take care of the child due to neglect or otherwise.

### **Can I divorce my parents?**

No.

Not unless there are some drastic changes in the law.

At present the laws require parents to be ultimately responsible for the care and upbringing of their children. If they fail to provide for their children appropriately, the court can step in and assist them through various community programs. If the parents do not respond to these programs or if there is parental abuse that is so damaging to the child that the family cannot remain intact, the parental rights can be terminated by the court. After parental rights have been terminated, the child becomes eligible for adoption.

### **When can I join the military?**

If you have the permission of your parents, you can join at age 17.

# SEXUAL OFFENSES

## What are the different types of sexual offenses?

(The following are some of the sexual assault categories in Colorado--these explanations are intended to be very general in nature.)

### Sexual Assault:

- Often referred to as rape
- There is sexual **penetration (intercourse) or intrusion** and one or more of the following occurs:
  - The actor uses force or otherwise to get the victim to submit against his or her free will.
  - The actor knows the victim is not capable of appraising the situation because of intoxication or disability of some type.
  - A weapon is used.
  - Threats of violence, injury, retaliation, or kidnapping are used to cause the victim to submit.
  - Drugs or other substances are used for the purpose of causing submission.

### Unlawful Sexual Contact:

- The actor unlawfully makes sexual contact with someone without his or her consent.
- The actor knows the victim is not capable of proper consent because of intoxication, a disability, or physically helpless.
- The actor uses force or otherwise to get the victim to submit against his or her free will.
- The actor observes or photographs another's intimate parts without their consent when there is a reasonable expectation of privacy (peeping tom or voyeurism situation).

### Sexual Assault on a Child:

- Any sexual contact, penetration, or intrusion with a victim under 15 and an actor who is at least 4 years older.

### Indecent Exposure

- Exposing genitals to another person in circumstances likely to cause affront or alarm to that person.

## What are the penalties for sexual offenses?

If a juvenile is under the age of 18 and commits a sexual offense, he or she may be charged as a juvenile delinquent and subject to the same penalties as any delinquent. The juvenile will also be subject to the following additional consequences:

- The juvenile shall participate in an assessment process to determine appropriate, offense-specific counseling or treatment.
- Registration as a sex offender.
- Restricted ability to be in contact with children, including restrictions on where the juvenile can be employed.
- School notification of the juvenile's offense.
- Limited ability to gain access to the internet.

If the juvenile is 14 or older and commits a felony sexual assault causing injury, or uses force, threats, or intimidation, he or she can be charged as an adult.

The penalties for an adult conviction of felonious sexual assault could range from 2 years to the rest of their life in the penitentiary, depending on the severity of the defendant's actions.

## What is statutory rape?

In Colorado, statutory rape is called Sexual Assault on a Child, or Sexual Assault.

There must be some sort of sexual contact when the victim is under 15 and the offender is at least 4 years older. **It makes no difference whether the sexual contact was with or without consent.**

## What is the penalty for a statutory rape?

This type of sexual assault is a Class 4 Felony and could carry a sentence of 2 years to the rest of their life in prison if the person is charged as an adult.

## What is date rape?

Date rape is the same as sexual assault. It is often called "date rape" because the parties are dating at the time of the assault. The word "no" still means "no", regardless of the nature of the relationship.