

Hey, I'm 18!

A guide explaining your legal rights and responsibilities as a young adult

“Hey, I'm 18!” is a public education project undertaken and developed by the Mercer County Bar Association to provide a reference for young adults to explain their legal rights and responsibilities. The project epitomizes the Bar Association's desire to educate the general public – especially young adults. The Mercer County Bar Association wishes to acknowledge the support of the following, without whose support “Hey, I'm 18!” would not be possible:

- Mercer County Prosecutor's Office Angelo J. Onofri, Prosecutor
- Jessica Sauer, Esq. The Sauer Law Firm LLC (www.SauerFirm.com)

INTRODUCTION

In New Jersey, the age of majority – the age at which the law considers you an adult – is 18. The law extends to persons 18 years of age and older certain “basic civil and contractual rights and obligations.”

As a young adult, you now have the right to contract, sue, be sued and defend civil actions, obtain public employment, be granted a license for a business or profession, serve on a jury, marry, adopt children, participate in legalized gaming (except casino gambling), sell alcohol (although you can't purchase or consume it until you're 21), consent to medical treatment, execute a will, and inherit, purchase, mortgage and sell property.

“Hey, I'm 18!” is designed to explain many of these legal rights and responsibilities. It is not designed to be a legal opinion on any specific facts or circumstances, but it is intended to provide you with general information so that you will know to contact the appropriate agency or attorney with any specific legal questions you may have.

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CIVIL RIGHTS & RESPONSIBILITIES

Jury Duty

A juror plays a very important role in our legal system. Juries decide factual issues and resolve disputes in criminal and civil matters. To serve on a jury, you must be at least 18 years old, a resident of the county in which you are called to serve, and have the ability to read and write English. You will be excused from jury duty if you have been convicted of certain crimes, hold an office or position which is either directly or indirectly connected within the administration of justice, or have a mental or physical disability which prevents you from serving. Once you serve as a juror, you will not be required to do so again for three (3) years. If you are called to serve within those three (3) years you can ask to be excused by providing a letter of attendance as proof of your prior service.

Military Service

Although a draft is not currently in effect, all 18 - 26 year old males are required to register for military service. You must register within 30 days of your 18th birthday and may do so by filling out forms available at your local post office. You can also register online at www.sss.gov. The form is returned to you and you will be assigned a classification number.

Although there is currently no draft, failure to register for selective service may bar you from any federal assistance, including student loans for college, and any federal employment or aid. Criminal penalties can also apply for failure to register.

If you have completed your junior year of high school and are asked to enter the active military service in time of war, the law provides that you shall be given credit for your senior year and are entitled to receive a diploma.

Taxes

As a resident of the United States, you are obligated to pay state and federal income taxes. Typically these taxes are due by April 15th (although the date may be slightly later in the event

that the 15th falls on a weekend or during a holiday), and the tax due relates to the preceding calendar year. While you can file for an automatic six month extension for submitting a completed return, this does not extend your obligation to pay any taxes due by April 15th. Significant interest and penalties will accrue on unpaid amounts, and failure to file a return could lead to a year of jail time for each year you fail to file! Filing a fraudulent return, or even helping someone else to file one, could result in a sentence of up to five year in prison.

You are required to pay taxes on all income from whatever source acquired, even if you are paid in cash. Employers and financial services companies are obligated to file statements indicating how much you have been paid (so to facilitate this you will typically need to complete tax forms when you begin a new job). Depending on where you work, you may need to file tax returns in multiple states, although there is generally at least some credit offered on income earned in other states. Certain cities (such as Philadelphia) also impose additional taxes when you live or work within their limits.

Generally speaking, and as of 2022 (as the amount is likely to change with time) you do not need to file a federal income tax return if you make less than \$12,550 annually. However, you may want to file a return anyway if you have had taxes collected in advance by your employer or if you might be eligible for a stimulus check or other benefits.

Paying taxes is an important civic responsibility. Accountants and tax planning services can help you navigate your obligations and identify credits and deductions that may be lawfully applied to reduce your total tax payments.

Voting

Voting gives you the right to direct and determine the direction of this country. This right is important, because it's your future, too. To be eligible to vote, you must be 18 years old, a citizen of the United States and a resident of New Jersey and your county for at least 30 days. If you are in college, you have the option to register from your college address or your parents' address.

You are not permitted to register to vote if you have been convicted of an indictable offense (state or federal) and are serving your sentence, presently are on probation or parole. You are also not eligible to register to vote if a court has determined you lack the capacity to vote.

You must register to vote at least 21 days before an election. You can register in person or by mail. To register in person, you can go to the municipal clerk's office, the county commissioner of registration's office and some libraries. You can find out the locations of where you can register in person at elections.nj.gov, the NJ Division of Elections, or the League of Women Voters of New Jersey. You may also register by mail. You may obtain the voter registration form online at elections.nj.gov, or you can pick up a form at a voter registration agency. In addition, when you first obtain a driver's license, or you are renewing a driver's license, you will be asked if you wish to register to vote.

Age Discrimination

Age discrimination is any treatment of an individual in a manner different from others based solely or primarily upon age. While most people associate “age discrimination” with the deprivation of some right or privilege to an older person, it also protects you as a young adult.

Under the New Jersey Law Against Discrimination, the failure to treat you fairly and equally because of your age is unlawful not only with regard to employment, but in housing, credit, educational and various other opportunities. If you think you have been discriminated against, you should contact the New Jersey Division on Civil Rights for further information.

CRIMINAL ISSUES & CONTROLLED SUBSTANCES

Adult Treatment

As an 18-year-old, you will be treated as an adult if you are arrested. You may be arrested with or without a warrant. A warrant is a specific order issued by a court to allow the police to take you into custody. If there is probable cause to believe you committed a crime, e.g., where an officer sees you violating the law you can be arrested – without a warrant. During an arrest, an officer may use whatever force is necessary, including deadly force, to place you into custody. If an officer is placing you under arrest, it is illegal to resist, regardless of whether you believe the officer is right or wrong. A law enforcement officer may also conduct a search with or without a search warrant, if one of the many exceptions to the warrant requirement applies. When an officer gives you an order, it is unlawful to ignore that order, again, whether you think the officer is right or wrong. Also remember that not knowing the law is not a defense.

As an adult you are entitled to be advised of your rights upon an arrest. You have the right to consult with a lawyer before speaking with the police and the right to telephone an attorney or your friends or family to notify them of your arrest. The police are required to inform you of your right to remain silent and your right to refuse to answer questions because any statement you may make may be used against you as evidence. When you face a “charge of magnitude” like incarceration, a significant monetary fine or the loss of your driver’s license, you have the right to be represented by an attorney. If you cannot afford an attorney, one will be made available to represent you.

After you are placed under arrest, the police have the right to request identification from you and to take your photograph, fingerprints, and may be able to search you or your belongings.

To guarantee that you appear for any court proceeding, you may be required to post bail. Bail is an amount of money determined by the court to allow you to be released from custody and to assure that you are present whenever court is scheduled. Bail is set according to the type of crime alleged, your criminal record, any prior history of appearance or non-appearance in court,

and is determined on a case-by-case basis. If you appear for all court proceedings, your bail will be released to you; if you fail to appear for any scheduled appearance; your bail can be forfeited and you may face additional criminal charges.

Alcohol

The legal drinking age in New Jersey for alcoholic beverages, including liquor, beer and wine, is twenty-one (21). It is also against the law for anyone under that age to enter a bar or liquor store to purchase alcoholic beverages or to have someone purchase it for them. The penalties for possession or consumption of alcohol by an underage person are a fine of \$500-\$1,000, up to 180 days in jail, and a potential driver's license suspension of a motor vehicle is involved. Be aware that any criminal charges could result in the loss of any awarded financial aid or scholarship money.

Underage Drinking and Driving

It is illegal in New Jersey for any person under 21 years of age to drive a car with a blood alcohol concentration (BAC) of .08%. A conviction will result in a loss of license between 30 and 90 days (which will start when you receive your license if you are driving under a permit), community service (15-30 days) and completion of the IDRC Program (12-48 hours). These penalties are also in addition to any you may receive for drunken driving arising out of the same incident.

Drinking and Driving

It is illegal to operate any motor vehicle or allow someone to operate a vehicle while under the influence of alcohol or drugs. "Operation" has been interpreted to encompass more than driving your car and can be inferred from the surrounding circumstances. You are legally "under the influence" if your blood alcohol concentration (BAC) is .08 % or higher as determined through an Alcotest or blood draw.

The penalties for driving while intoxicated are severe in New Jersey. For a first offense where the BAC is .08% but less than .10% there are fines, penalties and surcharges, 12 to 48 hours in the Intoxicated Driver Resource Center (IDRC), up to 30 days in jail and a 3 month loss of license. For a first offense where the BAC is over .10% there are increased fines, penalties and surcharges, 12 to 48 hours in the Intoxicated Driver Resource Center (IDRC), up to 30 days in jail and a 7 month to 1 year loss of license. For a second offense there are increased fines, penalties, surcharges, a jail sentence of 2 to 90 days (including 48 hours in the IDRC), 2 year loss of license, the installation of an interlock device and 30 days community service. For third and subsequent offenses, the offender faces increased fines, penalties and surcharges, 180 days jail (up to 90 days may be served in IDRC), 10 year loss of license and the installation of an interlock device.

If you are found driving during a period of license suspension for your second or subsequent DWI, or if your license was suspended for your first DWI and it is your second or subsequent

time driving while suspended for that first offense, the penalty is a mandatory 180 day jail sentence.

Drinking and driving can also have serious repercussions on your automobile insurance. If you are convicted of driving while intoxicated, nine (9) insurance points will be assessed on your automobile insurance record for each of the next three years. Your insurance premium will likely also double or triple for three years.

Breathalyzers & Other Proof of Intoxication

Because some drivers think that the state cannot prove a drunken driving case without a breath sample, they refuse to take the breathalyzer. However, by operating a car on a public road, you have consented to the taking of samples to determine the content of alcohol in your blood if requested to do so by a police officer. The legal test to determine whether you illegally refused the breathalyzer requires only that the arresting officer have a probable cause – a reasonable suspicion – to believe that you were driving or in physical control of a motor vehicle while under the influence of alcohol. Accordingly, there are very few defenses for you if you refuse. The penalties for a refusal are a fine of at least \$250 and a loss of license for six months. These penalties are in addition to those you may receive for drunken driving. Refusal to take a breathalyzer can also be used as evidence against a person charged with DWI. If you are convicted of drunken driving and refusal, you can expect a one year loss of license, six months for drunken driving and six months for the refusal.

Even in the absence of a breathalyzer reading or other scientific evidence, the state can prove drunken driving by observations, such as your driving conduct, your ability to perform tests at the scene or at police headquarters, and physical characteristics, such as watery or bloodshot eyes, slurred speech and the odor of alcohol. If you refuse the Alcotest, you will be charged with a refusal.

Drugs

It is against the law in New Jersey to possess, with the intent to use or distribute, any controlled dangerous substances (CDS). This can include prescription medication (yours or someone else's). It is also unlawful to possess drug paraphernalia such as a syringe. In addition to fines and jail terms which can be imposed, mandatory drug enforcement demand reduction penalties, known as DEDR penalties, and lab fees of at least \$650 must be assessed. Additionally, a conviction of any drug offense will result in a loss of your driver's license for six months to two years, whether or not a car was involved.

Marijuana

As of 2022, New Jersey law now permits the sale and use of up to 1 ounce total of cannabis and cannabis products for residents 21 years of age and older.

The law is very limited in scope and you could be subject to significant fines and even jail time for possessing anything over the permitted ounce. In addition, you are not allowed to grow your own cannabis. (For example, having one unlicensed marijuana plant can translate into a five year prison sentence and a \$25,000 fine. Larger scale growth can carry penalties up to 20 years in prison and a \$300,000 fine.) Landlords can prohibit use of marijuana on their property (and eviction may be available as a remedy for violations), and use in a car is not permitted under any circumstances (even if you are not driving and it is in edible or vape form).

Note that even just being found under the influence of marijuana in public can have substantial penalties such as fines, up to 6 months imprisonment, loss of driving privileges for not less than 6 months or more than 2 years, community service, probation, and various other fees. Moreover, driving a car while under the influence of cannabis can subject you to additional fines and penalties.

It is a violation of federal law to transport cannabis across state lines - even when you are not under the influence and even when it is legal in both of the states you are traveling between. Doing so could subject you to significant penalties and jail time.

Expungement

As an 18-year-old, any criminal conviction will become part of your adult record unless it is expunged. Under certain circumstances, if you have been convicted for a criminal offense, you may apply to the court for a criminal expungement, a process that allows the conviction to be removed from your criminal record. Expungements are available for certain types of offenses and have specific waiting periods depending on the type of conviction.

EMPLOYMENT ISSUES

Wages

As a young adult you may be starting to work full time. If you work, you must be paid at least the minimum wage established by law, which is currently \$13 per hour. If you work more than 40 hours per week, you should be paid overtime, at 1 and ½ times your regular hourly rate. If you have any complaints that you have not received your wages in full, have been paid below the minimum rate, have not been paid the correct rate for overtime, or have any concerns about your pay, you should contact the New Jersey Department of Labor, Office of Wage and Hour Compliance at (609) 292-2305. The Office oversees complaints of failure to pay the proper wages for any claims under \$10,000.

Workplace Safety

Federal and state laws govern safety in the workplace. The laws are designed to ensure that the workplace is free from hazards and that you are not exposed to harmful chemicals or contaminants. The New Jersey Department of Labor also inspects workplaces for compliance with safety regulations and you may call their office to check on any potential hazards where you work.

Workers' Compensation

If you suffer any injury on the job which makes it impossible to work, your employer must pay you workers' compensation benefits. Workers' Compensation pays partial income (70% of your weekly gross pay not to exceed the weekly maximum set by law) for any injury which temporarily disables you from work, provides payment for employer-authorized medical treatment for your injury, and awards permanent payment if your injury is medically determined to be permanent. Should you have questions regarding an injury arising out of your employment, you should contact an attorney specializing in workers' compensation or the New Jersey Department of Labor and Workforce Development, Division of Workers' Compensation at (609) 292-2515.

Job Security

In New Jersey, an employer can fire an employee without cause unless the employee is either protected by a contract, or the reason for the termination violates a legal statute. This means that unless your termination violates a contract or a statute your employment is "at the will" of your employer and that employer can fire you for any reason or no reason whether or not it seems fair. Union contracts provide that an employee can only be fired for cause in accordance with the disciplinary rules of the contract. Sometimes an employment manual gives employees contractual rights, highly paid or highly desirable employees can sometimes negotiate individual contracts. Discrimination statutes make it unlawful for employers to fire someone on the basis of certain personal characteristics such as race, national origin, age, sex, religion, handicap or disability, marital status, pregnancy, and, in New Jersey, sexual orientation and HIV status. It is also unlawful for an employer to fire someone, for filing a claim for wages or worker's compensation benefits or for asserting a discrimination complaint. If you believe you have been fired unlawfully, you should contact the New Jersey Division on Civil Rights or the Equal Employment Opportunity Commission (EEOC) at (609) 984-1096.

Unemployment

If for some reason you lose your job because of a layoff or discharge by your employer, you may be eligible to receive unemployment benefits, unless you have been fired for gross misconduct. You are generally not entitled to such benefits if you voluntarily resign or leave your job unless you can demonstrate "good cause" forcing you to leave. If you lose your job for any reason, you should contact your local unemployment office to determine if you are eligible for benefits. Once this is determined, an application can be made online at www.lwd.dol.state.nj.us.

Statute of Limitations

If you think you were injured by any action of your employer or you were hurt on the job, you may have a legal claim; you must remember that all claims have a statute of limitations –

that is, a time period within which a claim must be made. As an example, a discrimination claim before a state agency must be made within 180 days of its occurrence; a law suit for discrimination must be filed within two years. REMEMBER – you are limited in the amount of time you have to report an injury or misconduct, as well as limited in your time in which you may file legal action. If you do not appropriately report the incident or circumstances and file your claim before the limitations' period has ended, you will be forever barred from filing any claim or receiving compensation for your injury.

ESTATE PLANNING & DECISION MAKING

Now that you are an adult, you are responsible for making your own business, legal, financial, and medical decisions, and your doctor and your school will generally not have permission to talk with your parents unless you give them permission. Creating powers of attorney is part of a process known as “estate planning” that allows you to give this permission to your parents or whoever else you believe should be able to help advocate for you when needed. These documents allow you to responsibly prepare for health care and business decision-making, and may make things easier for your family and friends if something were to happen to you as a result of a sudden accident or illness. If an individual does not have a valid Power of Attorney and becomes incapacitated, a guardianship proceeding would need to be initiated in court to give someone else the ability to manage the person's affairs. Guardianships can be complex, time consuming, and expensive. The individual also does not have the ability to choose their guardian, as the court makes the ultimate decision.

Consulting with an estate planning attorney can ensure that your unique circumstances and wishes are accounted for in your documents and that the documents themselves are properly executed (implemented) according to the requirements established by law.

Financial Power of Attorney

You are now eligible to make or be named in a power of attorney – a document which allows a person to handle the business, legal, and financial affairs for another. You as the “principal” assign an “agent” to act in your place and manage all of your affairs as if you were managing the same yourself. A power of attorney can go into effect immediately after it has been executed or can be springing, meaning that it would go into effect only after a specific event occurs. Typically, springing powers of attorney go into effect in the event the principal becomes incapacitated and can no longer manage their own affairs because of physical or mental illness.

The document must be signed before a notary public, and is effective until it is revoked or until the death of its maker.

When you are choosing an agent, it should be someone you trust implicitly, as the agent could have access to all of your personal information and financial holdings.

Health Care Power of Attorney

A durable Power of Attorney for Healthcare allows you to appoint an agent to make medical decisions on your behalf in the event that you become incapacitated or otherwise unable to make decisions on your own. The agent named to make decisions is called a “medical proxy.” These decisions include but are not limited to which specific doctors you see, which treatments you will receive, and what medical facilities you receive treatment at.

Living Wills

You now have the right to authorize or refuse medical or surgical care. To ensure that you decide your own treatment even if you become physically or mentally disabled, you are able to write a living will or advance health care directive to advise family members and doctors when, and under what circumstances, natural and/or artificial life sustaining treatment should be withheld or withdrawn. This document guides the medical proxy in making medical decisions if you are suffering from a terminal illness or irreversible medical condition and cannot make your own decisions.

Wills

As an 18 year old, you can also create a will, or a “Last Will and Testament” as they are formally called. Wills can be very simple or very complex, depending on the size of your estate (assets) and the complexities of your wishes and family situation. A will contains your instructions about what should happen with your body and your property upon your death. You can also appoint guardians for your minor children through your will. Making a will allows you to put your affairs in order and helps ensure that your property will be distributed according to your own wishes.

Many people create trusts for their children within their wills. Doing this allows you to control how the money will be spent, who will manage it, and what age your children should be before they can do whatever they want with the money. Money that is kept in trust is generally protected in the event of your child’s divorce or bankruptcy. Sometimes, such as when a child has special needs, the family may want to establish trusts that last indefinitely. In some cases, it makes sense to establish these trusts outside of your will to maximize administrative efficiency.

To make sure that your will is legally sufficient and can be admitted to the county surrogate for probate – the legal process which establishes the genuineness of the will – you should sign and date it in front of two witnesses who must also sign it. It is also a very good idea to have your will notarized, and prepared with a self-proving affidavit to avoid the need to bring your witnesses into court after you pass away.

It is important to recognize that you can override your will by naming someone as a beneficiary on a financial account or life insurance policy. As such, it is very important to select your beneficiaries with care (and review them periodically) to ensure that they reflect your wishes.

Estate and Inheritance Taxes

Federal and state governments may also tax amounts that pass to others upon your death. For example, New Jersey currently has an inheritance tax. The good news is that there is no New Jersey inheritance tax on amounts that pass between spouses, between parents and children (and vice versa), and between grandparents and grandchildren (and vice versa). However, there is roughly an 11% tax on amounts that pass between siblings, and a 15% tax on amounts that pass between cousins, aunts & uncles, friends, step-grandchildren, and most other people (including your significant other, even if you are engaged or they are the parent of your children).

The United States currently has a federal estate tax of 40% on amounts in excess of your lifetime exclusion amount. The amount of this exclusion has ranged widely through the years and is likely to keep changing, but is currently in the millions. Working with an estate planning attorney can help you implement strategies to minimize these taxes and reduce other costs related to the administration of your estate.

FAMILY LAW ISSUES

Marriage

Now that you are 18, you do not have to ask your parents for permission to marry. However, just because you can doesn't mean you should! Marriage is a huge commitment and not to be taken lightly!

You will need to obtain a marriage license before the wedding day. Go to the clerk of the municipality where the bride resides to apply for a license. If the bride is a non-resident, go to the municipality where the groom resides. If both are non-residents, go where the ceremony is to be performed. The license cannot be issued sooner than 72 hours after you apply and will be valid for 30 days from the date it was issued.

New Jersey does not recognize common law marriages and we do not have "legal separations." Marriages between ancestors and descendants and all blood relations nearer than cousins are prohibited. A blood test is no longer required in order to get a license.

The wedding ceremony may be performed by a minister, priest, rabbi, judge, surrogate, mayor, township committee chair, or a religious society. A religious society may marry a member

according to its own rules and customs. You will have to invite at least two additional people to witness your wedding. These people are usually the best man and maid of honor.

Divorce

No one likes to admit having made a mistake in marriage, but sometimes things just don't work out. If you need to end your marriage, you need to file a Complaint for Divorce in the county in which you reside. New Jersey is a "no fault" state and it doesn't matter why you want to end the relationship, as fault has no impact on what either party is entitled to receive. (Laws may work very differently in other states, and the state where you live is generally the state whose laws will apply to your divorce. This can have major implications.)

Whatever you and your spouse accumulated during the marriage is distributed through what is called equitable distribution, whether it is an asset or a debt. Each spouse owns and is responsible for what he or she brought into the marriage. For example, if you buy a car on credit before the marriage, you are responsible to pay for the car even if your marriage breaks up. There are exclusions from equitable distribution such as certain funds that you keep in an individual (as opposed to a joint account) and do not use during your marriage - such gifts from third parties, inheritances, and premarital assets. (Keep all your bank statements to be able to show proof.) Gifts between spouses, however, are considered marital property.

Depending on the length of the marriage and disparity in incomes, one of you may be required to support the other by paying alimony. How much and for how long depends on many criteria which are set forth by law.

Child Custody & Support

After a divorce, a majority of parents share joint legal custody, with one parent being designated the Parent of Primary Residence (PPR) and the other the Parent of Alternate Residence (PAR). Both parents share in making major decisions concerning the health, education and welfare of the child.

It is important to note that child support and custody determinations can also be made in situations where no marriage has occurred. In New Jersey, these are known as "FD" cases. Filing an FD case can help ensure that you have a right to spend time with your child or receive support from your child's other parent.

A judge will make the final decision on custody of a child by investigating the best interests of the child and by giving consideration to each parent. After a couple separates, the court may require either or both to pay child support. This allows money to care and provide for the child, and has nothing to do with the fault of a parent for the failure of the marriage.

New Jersey has published Child Support Guidelines to help the court to determine how much each parent should pay toward support based on their combined net incomes and number of children. You are responsible for your child's support until the child's "emancipation." In New

Jersey, these support obligations may extend until after the child's 18th birthday if the child is in high school or college full-time. Parents must have health insurance for their child and pay the expenses not covered by insurance and may also be required to contribute to the child's college education.

Domestic Violence

Domestic Violence is a serious problem and victims may file a petition in court to seek protection from violence or abuse. New Jersey law provides the court power to issue a Temporary Restraining Order (TRO), which orders various relief, such as no contact, seizure of weapons, custody and support. A TRO is entered based on the testimony of only the Plaintiff (person filing). A return date is normally scheduled for 10-14 days after the TRO is granted and at that time both parties (Plaintiff and Defendant) have the opportunity to testify and present witnesses. If a Final Restraining Order (FRO) is granted, it is a permanent order that never goes away unless the Plaintiff dismisses it or the Defendant is able to have it dismissed by the Court.

If the FRO is granted, the Defendant will be fingerprinted and photographed and there is a mandatory penalty that must be paid. If the Defendant is charged with violating the FRO and is found guilty, there is the potential for jail time and further financial penalties.

The Domestic Violence law applies to household members, spouses, persons who have a child in common or anticipate having a child in common (if one of the parties is pregnant), and to persons who have had a dating relationship. In addition to a family court action for a restraining order, an act of domestic violence may also result in a criminal complaint.

FINANCIAL OBLIGATIONS & CONTRACTS

Bank Accounts (& Checks)

As an 18-year-old, you no longer need a trustee for your bank accounts and may now own a checking or savings account in your own name. Traditional banks may require you to do so in person by making a deposit and completing a signature card - this ensures that the bank has your signature on file to help verify that you, and only you, write checks or make withdrawals from your account. One of the most important features of having a bank account is that (assuming your account is in good order) it will make future financial transactions much easier.

When deciding to open a bank account, compare account features among banks. Each bank has different standards when it comes to opening a new account. To find out what fits with your needs, you should visit the banks in your area. Review the costs and the requirements when opening a checking account and find out about special offers.

A checking account is a type of bank account which permits you to write checks, pay with a debit card, as well as cash or deposit your pay checks. A debit card is not the same as a credit card. When you use your debit card, you are withdrawing money directly from your checking or savings account by making that purchase. When you use a credit card, you are using funds from a bank or organization that issued you the card. Each purchase with a credit card is essentially made with a loan that you repay later.

Checks will come with a check register, also known as a checkbook. It is important that you write down every transaction that you make with your account to prevent overdrafts. An overdraft occurs when you spend more money than you have in your account. Checkbooks are used less frequently now that online banking allows you to check your account balances almost anytime from anywhere. The bottom line is that you should always be aware of the balances in your accounts so that you do not exceed them.

If you write a check for funds that are not in your checking account, the bank will notify you that there are insufficient funds to cover the check and may require that you make a deposit to make up the difference, and can charge you a fee or penalty. In fact, it can be against the law to write a “bad check” – a check for more money than you know is in your account. The law presumes you knew it was a “bad check” if: (1) you had no account with the bank when you wrote the check, or (2) payment on the check has been refused by your bank for lack of funds and you fail to deposit enough money to cover the check within ten days after receiving notice of the lack of funds. The degree of the criminal charge is determined by the face amount of the check.

You may also be sued in civil court for a bad check that you fail to make good after notice. Unless you can prove that your failure to satisfy the check was due to economic hardship, the court can order that you pay, in addition to the amount of the check, attorney’s fees, court costs and other fees and damages not to exceed \$500.

Contracts

As an 18-year-old, you are now able to enter into binding contracts such as applications for credit, loans or insurance policies. These contracts may be written or implied and you are bound by the terms of the agreement. You no longer have the right to disaffirm and be relieved of any contractual obligations merely because of your age, so think before you act.

As an adult, it is presumed that you know what you are signing, have read the document and agreed to sign it.

Federal law provides that a person has a right to cancel a contract to buy goods or services valued at \$25.00 or more under the following circumstances:

- The contract was made with a salesperson in the home; or
- The contract was made at any place other than the sales person’s normal place of business; and

- The buyer gives a written notice of cancellation within three (3) business days of when the contract was signed.

It isn't necessary to provide a reason for the cancellation. Once this right to cancellation is exercised, the salesperson must return the money within ten days. The salesperson can pick up the product if the contract involved the sale of goods. If, however, the salesperson does not pick up the product within twenty (20) days of the date of cancellation, the consumer may either keep it or discard it. The vendor/contractor is responsible to advise the consumer, in writing, of the cancellation provision. Failure to do so will result in the cancellation period running from the time the consumer is advised of the cancellation correctly. The only exceptions deal with home repairs – where you only have one (1) day to provide notice of cancellation and the cancellation provision is not applicable to repairs made in an emergency.

New Jersey has adopted a plain language law which requires that all “consumer contracts” including leases, credit applications, insurance policies and contracts for professional services be written in simple, understandable and easy-to-read language.

Paying Your Bills/The Importance of Your Credit Score

When you secure any credit, including a credit card, you promise to pay according to the schedule set by the company or business to which you owe money. If you fail to pay, the company – which is now a creditor – can take certain actions to collect the debt depending on whether the debt is “secured” or “unsecured.”

A secured creditor has a lien on your real estate or on the property you purchased. As an example, if you borrow money to buy a car, the loan will be secured; the bank or company that loaned you money will hold the title to your car until you pay the loan in full. If you fail to pay a secured creditor, the item you purchased such as your car – can be repossessed. An unsecured creditor cannot take any of your property without filing a complaint against you in court and obtaining a court judgment. After a judgment has been obtained, the creditor can attempt to collect any unpaid money from you by seizing your bank account or property, or having money taken directly from your pay by a wage execution or garnishment until the debt is paid in full.

Under the New Jersey Consumer Credit Card Transaction Act, you have the right to an explanation of any billing and a correction of any billing errors. The act contains procedures for resolving any billing disputes; you must notify a creditor within 60 days of the mailing of your bill of any suspected error or item you want explained, and you must provide reasons you believe the bill is wrong. Until you receive an explanation or correction of your bill from that creditor, it cannot sue you or threaten your credit.

Failing to pay your bills on time can decrease your credit score. The lower your credit score, the more difficult it will be for you to be able to borrow funds in the future, and the higher the interest rates you will need to pay to borrow money will be. Having a low credit score may also prevent you from qualifying for bond (which is needed to serve as the administrator of an estate). Accordingly, it is important to make sure that you will be able to pay the debts that you accrue in

a timely manner. If you are unable to make a payment, you are generally well advised to call your creditor and attempt to work out a payment plan so that the issue has minimal impact on your credit.

Buying things on credit can seem like an easy way to pay for things you want, but credit cards tend to have very high interest rates and penalties, and if you only make the minimum payment due on the cards, you can end up paying substantially more for the items than if you waited until you had the money to pay for them when you purchased them. While there can be benefits to using credit cards, they should be used with great caution.

Federal law allows you to get a free credit report annually from each of the three major credit reporting companies, which can allow you to monitor your credit history and credit score.

Your credit score is linked to your social security number, so be sure to memorize your social security number as you will likely need to use it many times throughout your adult life and should minimize the places where it is written down. Be very careful about who you share your social security number with. It is generally best not to text or email your social security number to anyone for any reason as these communication methods may be hacked. Many people also have a personal policy of not giving their social security number to anyone over the phone (or internet) unless they themselves have initiated the call (or contact with the company through their official site), as asking for your social security number and other personal information is a popular component of many scams.

Bankruptcy

Bankruptcy is when a person is unable to repay the debts owed to creditors. While the thought of claiming “bankruptcy” may be frightening, it is a legal procedure which allows you to eliminate most, if not all, of your debt or to manage your debts pursuant to a plan set by the Court. However, several types of debts, like family obligations, student loans, and certain taxes cannot be discharged in bankruptcy, and the filing of bankruptcy may have a significant impact on your credit score for many years. Accordingly, it is not a decision to be taken lightly, and you should review any potential bankruptcy filing with an attorney.

HOUSING LAW

Renting

You may now be looking for a place to live on your own. Before signing a lease make sure that you perform an inspection of the property and make sure that it has a Certificate of Occupancy (C.O.) if the town requires it. In New Jersey, it is illegal for a landlord to refuse to show or rent a property to you or require different rental terms because of your age, race, sex or marital status. The law also prevents a landlord from discriminating against you because you receive

public assistance, alimony or child support; the landlord must consider all income you have and must accept payment for rent even if the payment is made by someone else. The law also prohibits any landlord from refusing to rent to you or setting different terms for you because you are married or unmarried, or because you have children. However, these laws do not apply to an apartment in a two-family dwelling, the other unit of which is occupied by the owner as his or her residence, or to a room you rent from an owner/occupant of a one-family home.

Leases

You may rent with or without a written lease agreement between you and the landlord. A lease is a contract between a landlord and a tenant for the rental of a dwelling unit. Written leases are preferable and should at a minimum include the following terms: a time frame, the amount of rent, late charges if applicable, and the security deposit. Before you sign any written lease, read it carefully and make sure that you understand all of the terms.

In New Jersey, most tenancies are month-to-month whether a written agreement exists or not. In a month-to-month tenancy, while you can move out on a month's notice to the landlord, the landlord must renew the tenancy and cannot force you to move out unless he or she can establish, in court, good cause why you should be evicted. "Cause" is defined by law and includes failure to pay rent, disorderly conduct which disturbs other tenants or a substantial breach of the rules and regulations. The Summary Dispossess Act which allows a landlord to evict a tenant only for "cause" does not apply to owner-occupied premises with not more than two units, to seasonal tenants such as summer rentals, or to rooming, boarding houses and mobile homes.

Security Deposit

Whenever you rent an apartment or house, you may be required to place a security deposit with your landlord – money held by your landlord while you are a tenant to pay any rent or utility bills you may owe when you leave the premises, or to fix any damage you caused. By law, a security deposit cannot be more than 1 and ½ months' rent. Your money must be deposited in an interest-bearing account under your social security number and you must receive notice of the location of the bank and a yearly accounting. If the landlord fails to tell you, in writing within 30 days of your tenancy, the name and address of the bank which holds your security and the account number, you can require your landlord to credit that deposit in place of your monthly rent. You will not have to post a security deposit again.

Once you move out, you are entitled to a return of your security deposit or a notice from your landlord, within 30 days by certified letter, advising you of any portion of your deposit which will not be returned. If the landlord fails to provide you with the written reasons for keeping your security deposit, the landlord may not keep any of it and you can sue the landlord in court for damages, including double the amount of your deposit, reasonable attorney's fees and court costs. A security deposit cannot be used by the landlord to pay for repair costs due to normal wear and tear.

Eviction

With or without a lease, a landlord, in most cases must give you written notice of intention to evict you and can only do so in New Jersey for “cause.” If you have not been paying rent, the landlord, without notice, may file a complaint asking the court to make you vacate your apartment and evict you. If you receive such a complaint, you must either pay your rent in full or face eviction.

Other reasons for eviction include disorderly conduct, habitually paying your rent late or a breach of the rules and regulations of the apartment. In most cases, your landlord must provide you with a “notice to cease” to advise you of the problem and request that it not occur again. If you do not comply, the landlord must serve a “notice to quit” demanding possession of your apartment and requesting that you vacate. If you fail to move out, the landlord will bring an action in court for your eviction. You may appear in court with a lawyer or defend yourself. If you win, the court can order the landlord to let you stay; if you lose, the court will issue a “judgment of possession” to the landlord, a document which gives the sheriff the right to remove you and your possessions from the property. After a judgment of possession is ordered by the court, you have three days to move out; any belongings you leave behind are considered abandoned. You may request a hardship stay within three days of the issuance of a warrant for removal. If the judge grants you a stay, you must pay the full amount of arrears into court.

A landlord cannot break into or lock you out of your apartment, move or discard your belongings or turn off your heat or utilities. If a landlord wants to evict you, a sheriff’s officer is the only person who can legally move your property after a court decision in favor of the landlord.

AUTOMOBILE INSURANCE

You must provide proof of insurance, which is usually an identification card provided by your insurance company, when inspecting or registering your car or when requested by any police officer. If you are convicted of driving without insurance, you will receive a minimum fine of \$300, community service and loss of license for one year. Upon a second conviction, a jail term must be imposed in addition to a two-year loss of license and a fine of up to \$3,000.

Collision coverage pays for damage to your vehicle as a result of a collision with another car or other object. Collision coverage pays you for damage that you cause to your automobile. You can also make a claim under your own collision coverage for damage to your car from an auto accident you did not cause. This may take less time than making a property damage liability claim against the driver who caused the auto accident. Your insurer then seeks reimbursement from the insurer of the driver who caused the auto accident.

Comprehensive coverage pays for damages to your vehicle that is not a result of a collision, such as theft of your car, vandalism, flooding, fire or a broken windshield. However, it will pay if you collide with an animal.

In securing insurance, you should also be aware of protecting your rights in the event that you are injured in a car accident. You can select options in your insurance policy in the event you are injured in a car accident and seek compensation for lost wages, pain and suffering. You can choose a “no threshold” option or a “lawsuit” option. If you choose the lawsuit option, or limited right to sue option, you may not be able to recover against another driver for pain and suffering resulting from a car accident unless you can prove you’ve satisfied the threshold with a claim such as death, dismemberment, disfigurement, fracture, or life-long physical damage. With the no threshold option, or unlimited right to sue option, you reserve the right to bring a claim against any driver who injures you and seek compensation for any damages including pain, lost wages or suffering, regardless of the severity of your injury.

NOTE: If you do not have any liability coverage, you are personally responsible for paying for the pain, suffering and other personal hardships and some economic damages, such as lost wages, that you cause. The insurer will not provide or pay for a lawyer to represent you if you are sued. Your assets will be at risk, including the risk of having money deducted from your wages if a judgment is entered against you. And, if you lack coverage and someone hits you, you cannot sue.

It is against the law for any insurance company to discriminate because of your age in issuing insurance or fixing the rates or conditions of your policy.

HEALTH INSURANCE

Failing to have health insurance coverage (without religious or other very narrowly defined exemptions) will trigger New Jersey tax penalties that may be roughly equivalent to the cost of the insurance itself. Federal law allows you to stay on your parent’s insurance through age 26 (and up to the age of 31 in NJ under certain circumstances). Many employers offer insurance coverage. However, if you are self-employed, unemployed, or no longer eligible to stay on your parent’s insurance, you can explore plans at: <https://www.nj.gov/getcoverednj/> Subsidies may apply to help you afford the cost of the plans.

INTERNET SAFETY

If you have just turned eighteen, you have grown up in the age of the Internet. You are accustomed to pointing and clicking and obtaining near-instant information, communication, sales transactions and music, among other things. However, you need to understand a few things about internet safety from three points of view – criminal exposure, civil exposure, and physical safety.

First, criminal law. The USA Patriot Act of 2001, passed in response to September 11, gives broad powers to law enforcement officials to not only intercept electronic communications relating to terrorism, but also to obtain other information from you or your business, and to investigate incidents of “computer trespassing.” Do not engage in practical jokes, cyber bullying, or hacking of sensitive sites, and be wary of who you might be communicating with in chat rooms. There are a large number of reported suicides by young people over practical jokes that started online. Please consider these very serious repercussions before you decide to send messages over the Internet that could be interpreted as triggering any of these laws.

Other statutes relate to pornography, particularly involving children. The Communications Decency Act of 1996 prohibits certain “indecent” communications over the internet to minors. Again, be aware of such laws before you decide to send messages over the Internet that could trigger these laws.

Next, civil exposure. As a legal adult you can enter into, and be held liable, for contracts. Read carefully the licensing agreements and other “legalese” you may be required to click before proceeding into a site or with a purchase. The best legal advice is to proceed with caution and make sure you understand what you are reading.

Another issue that comes up on the internet relates to defamation – saying something negative about someone that is false, or is true but taken out of context, puts someone in a “false light.” If you defame someone in a chat room or publicly, you can be sued in appropriate circumstances, even in another state. Intellectual property is the rights people have in their names and brands (trademarks), creative expression, like songs (copyright) and ideas (patents). Downloading music for private use is one thing; sharing and sending to others may implicate copyright law issues and expose you to litigation by the music companies or others.

Finally, personal safety and the risk of physical harm. The Internet is a vast and often anonymous place. You really do not know who you are talking to. Be wary of requests to meet and other suggestions for contact, or sending money. There are many scams out there. Be wary. Use your judgment and if you are unsure or uneasy, terminate communication or ask for help.

DIRECTORY OF HELPFUL AGENCIES

- Department of Labor Office of Wage and Hour Compliance - (609) 538-8310
- Labor Standards & Safety Enforcement - (609) 292-2313
- Division on Civil Rights - (609) 292-4605 (Helps people with complaints for discrimination and provides information on citizen’s rights)
- Mercer County Division of Consumer Affairs - (609) 989-6671 (Handles consumer complaints and fraud)

- Division of Child Protection and Permanency (DCPP) - 1 (877) NJ ABUSE or (609) 292-5100 or (609) 530-7200 (Handles child abuse and neglect cases)
- Domestic Violence Hotline (800) 572-SAFE
- Lawyer Referral Service of the Mercer County Bar Association - (609) 585-6200 (Refers callers to an attorney who has experience with your type of problem or question)
- Central Jersey Legal Services - (609) 695-6249 (Helps indigent people find legal assistance)
- Office of the Governor (Constituent Relations) - (609)292-6000 (Represents citizens in public interest matters)
- Office of the Mercer County Prosecutor - (609) 989-6350 (Investigates and prosecutes crimes committed in Mercer County)
- Office of the Public Defender - (609) 292-4081 (Represents indigent people in criminal matters)
- Voter Registration - (609) 292-3760 (Helps people with registering to vote)

CLOSING THOUGHTS

Turning 18 carries with it many exciting opportunities and freedoms, but it also has obligations that cannot be avoided without risking serious consequences. It is important to start talking with people you know and trust about how they handle the responsibilities of adulthood. While the rules may seem intimidating at first, learning them is essential to taking your place in society.

The Mercer County Bar Association wishes to acknowledge the support of the following, without whose support “Hey, I’m 18!” would not be possible:

- **Mercer County Prosecutor’s Office Angelo J. Onofri, Prosecutor**
- **Jessica Sauer, Esq. The Sauer Law Firm LLC (www.SauerFirm.com)**

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