

You're 18 Now
It's Your Responsibility!

You're 18 Now: It's Your Responsibility!

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Chapter I. Introduction

When you had your 18th birthday, you became an adult by law, but what does that actually mean? From the right to cast a vote in the next election to entering into a lease agreement for your first apartment to serving on a jury, you are entering a new and exciting world of rights and, more importantly, responsibilities. This information is provided to help you understand your rights and responsibilities as an adult in Oklahoma.

THIS IS JUST A GUIDE; IT DOES NOT CONTAIN LEGAL ADVICE. IF YOU NEED MORE INFORMATION, OR IF YOU HAVE A SPECIFIC LEGAL QUESTION, YOU SHOULD TALK WITH A LAWYER.

Remember, you are now an adult. We encourage you to be responsible and careful.

Good Luck!

Chapter II. General Legal Principles

Do you get all of the rights of an adult when you reach the age of 18?

Generally, Yes.

What are some of your new rights?

- You can vote in federal, state and local elections.
- You can marry without your parents' permission
- You can make a will.
- You can get medical treatment without your parents' consent.
- You can be an organ donor by indicating your wishes when you renew your driver's license.
- You can apply to join the military without your parents' consent.
- You have a one-year window to petition a court to reopen civil judgments made when you were a minor.
- You can contract to lease an apartment or purchase a home or car.

What are some of your new responsibilities?

- You are responsible for yourself. Your parents are no longer legally responsible for you.
- You can be held to a contract.
- You can sue and be sued.
- You are legally responsible for your own actions.
- You can be tried as an adult if you are accused of any crime.
- You can be called to serve on a jury.
- If you are a male, you must register with the Selective Service within 30 days after reaching the age of 18.

Upon reaching eighteen, a person has a one-year window to petition a court to reopen civil judgments made when the person was a minor.

If proper notice and good cause is shown, the court may modify, vacate, or set aside the judgment. For instance, if a person were involved in a motor vehicle accident as a child and a court approved a friendly suit judgment at that time, once the person reached the age of eighteen, the person has a one-year period in which she/he could request the court reopen the friendly suit and have the judgment modified. Good cause could be related injuries that were unknown at the time, but which were presented after the initial judgment.

How do you register to vote?



Visit <https://www.ok.gov/elections/> You can find voter registration forms at many places (for example, the U.S. Post Office or the public library). The form must be submitted to the county election board in the county where you live. All Oklahoma counties have an Election Board located in each county seat. Where you live controls where you vote. The place you vote is called a "polling place."

If you will be away from home on Election Day, you can vote through the mail. This is called "absentee voting." To vote absentee, call your county Election Board. Specific rules must be followed to vote absentee. You can also vote by absentee ballot at the county election board on the Monday before a local election or on Thursday, Friday or Monday before a statewide election.

How do you register with the Selective Service?



Visit <https://www.sss.gov/> Selective Service is an agency under the authority of the Executive Branch of the federal government which serves a two-part mission. First, the Selective Service System is charged with the responsibility to deliver untrained manpower to the armed forces in times of emergency as determined by the Department of Defense. Second, the Selective Service Systems is charged with the responsibility of administering an alternative service program for conscientious objectors. All male U.S. citizens must register with the Selective Service System within 30 days of turning 18. Failure to register with Selective Service is a violation of the Military Selective Service Act. Conviction for such a violation may result in imprisonment for up to five year and/or a fine of not more than \$250,000. Male aliens living in the U.S. between the ages of 18 and 25 must also register, regardless of their legal right to be in the country. Non-citizen males of age must also register to protect their future hope of becoming a U.S. citizen. There is no military draft now; however, all males must still sign up with the Selective Service within 30 days after turning 18. Those who fail to register could be denied job benefits, student loans, and other government aid. For more information, visit www.sss.gov.

How is the court system organized?



Each government body has its own court. Cities have municipal courts, which deal with city laws such as traffic violations. The state has district courts, the Court of Civil Appeals, the Court of Criminal Appeals and the Oklahoma Supreme Court. The state courts deal with state laws and disputes between Oklahoma citizens. Each county in Oklahoma has a district court where trials are conducted. District Courts hear civil and criminal cases. Criminal cases involve fines and/or jail time. Civil cases involve such things as breach of contract, divorce, small claims, or personal injury. Some cases are decided by a jury; some cases are decided by a judge.

If you do not agree with the district court decision in a civil case, you can ask a higher court to hear your case. This is called an "appeal." Civil appeals from the district court or from the Workers' Compensation Court go to the Oklahoma Supreme Court. The Supreme Court may rule on the appeal or assign it to the Oklahoma Court of Civil Appeals. If the case is assigned to the Court of Civil Appeals and you do not agree with its decision, you can then further appeal to the Supreme Court. The Supreme Court may review the case or may let the Court of Civil Appeals decision stand. An appeal of a criminal case from the district court goes directly to the Oklahoma Court of Criminal Appeals. There is no appeal to the Oklahoma Supreme Court from the Oklahoma Court of Criminal Appeals. If you feel your U.S. Constitutional Rights have been violated, you may be able to seek relief in federal court.

The U.S. government has federal district courts to hear cases dealing with federal law and disputes between citizens of different states. Oklahoma has three federal district courts: in Oklahoma City, Tulsa and Muskogee. Like the state district courts, the federal district courts are courts that conduct trials. An appeal from a federal district court in Oklahoma is reviewed by the 10th Circuit Court of Appeals, which is located in Denver, Colorado. An appeal from the 10th Circuit Court of Appeals is reviewed by the U.S. Supreme Court in Washington, D.C.

Chapter III. Employment

How do you find a job?



Here are some helpful ways to find a job:

- Look in the classified ads of your local newspaper or job listings on various Internet sites for available jobs.
- Ask a place you would like to work to see if there are jobs available.
- Contact the Oklahoma Employment Security Commission at 405-557-7100, <https://www.oesc.ok.gov>
- Use a private employment agency to help you find a job. You may have to pay for this service. **Most employees have a written contract.**

When can an employee be fired?



Oklahoma is an "employment-at-will" state. This means that an employer can generally fire or lay off an employee at any time for any reason-so long as that reason is not illegal or against the public policy of the state. For example, firing a person because of the employee's race or gender is illegal. There are certain circumstances where the law or an employment contract provides that the employee can be fired only for "good cause."

Can an employer discriminate against an employee?

It is illegal for employment agencies and employers to discriminate against you because of your race, sex, sexual orientation, disability, age, religion, ancestry or national origin. If you feel you have been discriminated against in hiring, pay, promotions, transfers or any other working conditions, OK Department of Labor at 405-522-8600, the Oklahoma Civil Rights Enforcement with the Office of the Attorney General at 405-521-3921 or the Oklahoma Employment Security Commission at 405-557-7138 or visit <https://www.ok.gov> Retaliation from your employer for reporting discriminatory behavior is also illegal.

If you believe that you have been discriminated against in any manner, you must contact one of the above agencies as soon as possible. Usually you have only a very short time within which to file a complaint. Employees of some Indian tribes or tribal affiliates may be subject to a tribal claim of "sovereign immunity" from suit by an employee or former employee.

What are unemployment benefits?

The state pays unemployment benefits for a limited period of time to help workers when they cannot work (either because they have been fired or, in limited circumstances, if they have quit) through no fault of their own. Employers pay for these benefits by paying into a state fund.

What is workers' compensation?



The Workers' Compensation Commission decides claims involving an employee who has been injured on the job and wants his or her medical expenses to be paid by the employer. Workers' compensation pays a worker only for on-the-job or work-related injuries or illness. Workers' compensation is not health insurance. Not

all employers are required to carry workers' compensation insurance on their employees. You should make yourself aware of the employer's responsibilities prior to accepting a job.

Must the injured worker prove that the employer was at fault in order to collect workers' compensation benefits?

No. You can get workers' compensation benefits if you can show that you have been injured in a work-related accident. An employee does not have to prove it was the employer's fault.

Can an employer fire an injured worker for filing a workers' compensation claim?

No. It is against the law for an employee to be terminated in retaliation for pursuing a workers' compensation claim.

Chapter IV. Contracts

What is a contract?



A contract is an agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration. Contracts can be either written or oral, but oral contracts are more difficult to prove. Common examples of contracts are leases, promissory notes and rental agreements.

Can you enter into any type of contract once you reach age 18?

Generally, yes. However, you cannot make a contract over something that is illegal. For example, you cannot contract to do a criminal act or civil wrong or to do something against the public good.

Do contracts have to be in writing to be enforceable?

Only when the law requires it. Contracts that generally **MUST** be in writing include:

- Contracts which cannot be completed in less than one year.
- Contracts which promise to pay the debt of someone else.
- Contracts involving real estate.
- Contracts for the sale of more than \$500 in goods (though there are many exceptions to this limitation).

Why should you prefer a contract in writing?

You will have a better understanding of the terms and conditions of the contract and what you are required to do. A written contract will help prove the exact terms and conditions of the contract if you have to go to court to enforce it.

When can you cancel a contract you entered?



You may be able to cancel a contract for a short period of time after you sign it but only in certain circumstances. For example, you may be able to cancel a contract you were forced into making or if someone told you something that was not true to get you to enter the contract. You also may be able to cancel a contract if someone tricked you into it, if you were not legally competent to contract, or if both parties entered the contract based on a mistake of fact that was an important part of the agreement. You should normally give written notice when canceling a contract.

How can you protect your rights when asked to sign a contract?

If you sign a contract, you are saying that you have read it and that you understand what it says. If there is any part of the contract you do not understand, **DO NOT SIGN IT.**

Here are other suggestions:

- Never sign a contract with blanks or open spaces. These should be filled in with the correct terms before you sign.
- The parties can change or remove terms by agreement. Be sure to make any changes on all copies of the contract.

- Both parties should initial any change to the contract on all copies.
- Make sure all **verbal (or oral)** promises are written into the contract before you sign it. Otherwise, evidence of an oral agreement might not be admissible at trial.
- Make sure all the terms of your agreement are clearly spelled out in the contract. Do not assume that a court would uphold what you believed your contract was if the contract does not mention it.
- Make sure the contract is dated.
- Seek legal advice from an attorney.

If someone comes to your home to sell you something and you sign a contract, you have the right to cancel the contract before midnight of the third business day after the contract was signed. If you fall prey to a high-pressure salesperson in your home, you can get out of this contract if you properly mail a notice within that period. **Some sales people may try to hurry you into signing a sales contract. DO NOT LET THEM.** It is your responsibility to read the contract thoroughly before signing it. Make sure all promises made by a salesperson are written into the sales contract and that you do not rely on promises made verbally that conflict with the written terms of the contract.

NOTE: Once you turn 18, many people or businesses may ask you to sign a contract (tanning salon, cell phone companies, health clubs, etc.). If you sign the contract, you will be bound to its terms and will have to pay the amount stated for the entire length of the contract! You cannot change your mind later (for example, because you move to another town) and get out of your contract.

Agreeing to buy something over the Internet can be a form of contract. It may be enforceable in a state you have never visited. It may be difficult for you to enforce the agreement and obtain the goods you ordered. It is advisable to make purchases over the Internet only from businesses that you can independently verify as trustworthy.

What rights do you have if the other party breaches (or breaks) the contract?

If someone does not do what he or she was supposed to do according to the contract, the person has broken the contract. You can do several things if this happens. First, try to work the problem out. If that does not work, you can go to court and:

- Ask for your money back.
- Ask that you be put in the same position you were in before you entered into the contract.
- Ask that the contract be cancelled and refuse to perform your part of the contract.
- Ask the court to make the other person do what he or she contracted to do.

What is a warranty?

A warranty is a promise made by a seller of a product. The warranty guarantees that the thing you bought will work as promised for a specified period of time. Warranties give you important rights, and you should know what the warranty says before buying the item.

Express warranties are written or oral statements made by the person selling the item as to its quality or performance. **Implied warranties** do not have to be stated. For example, an implied warranty on the sale of a hair dryer would be that it would blow hot air.

What does the seller's warranty cover?

If you buy an item and receive a written warranty, it should be in simple language and given to you before the sale. The warranty must tell you exactly what is and what is not included. It must say whether it is a "FULL" or "LIMITED" warranty. A full warranty generally covers both labor and materials. With a full warranty, the manufacturer will repair the item without charge. A limited warranty generally does not cover both parts and labor. With a limited warranty, there may be a charge for repairing the item.

Chapter V. Lease Agreements

What is a lease?



A lease is a contract between two parties for the rental of real property, a motor vehicle or personal property. Many leases are a contract between a landlord and a tenant to rent property. The landlord is the person who owns the property. The tenant is the one who lives in the property. A lease tells how much the tenant will pay the landlord to rent the property. It also tells how long the lease will last. It usually includes additional duties and responsibilities of both the tenant and the landlord.

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

Not unless the lease is for more than one year, but it is in the best interest of both the landlord and the tenant if the lease is in writing.

What should you consider before signing a lease?

- Make sure you read and understand the entire lease before you sign it.
- Do not sign unless all blank spaces are filled in or crossed out.
- Get all promises **IN WRITING** so that after the contract is signed there is no mistake about what was promised.

- Any changes or additions to the lease should be made on all copies of the lease and initialed by both the landlord and the tenant.
- Look at the property and make sure it is in good condition before you sign the lease.
- List on the lease any problems or damages to the property, such as carpet wear or carpet stains or cracks in the wall.
- Obtain a list from the landlord of repairs to be completed (if any) before moving into the property.

Should you get renters insurance?



Yes. The landlord's insurance only covers the building. It usually does not cover your personal belongings. The landlord's insurance only covers the building. It probably does not cover your things inside the building. Ask for price quotes from different insurance agents. See which policy best suits your needs and budget.

What is a security deposit?

A security deposit is money given by the tenant to the landlord to make sure the tenant follows the lease. When you move out, it may be used by the landlord to pay rent you owe. It can also be used to repair any damage caused, during your rental period, other than normal wear and tear. If your landlord keeps any of the security deposit, you must receive written notice of how the money was used. The landlord must return any unused security deposit to you within 30 days after the lease ends. If this does not occur, you should seek the services of an attorney. You may be able to receive reimbursement of your attorney fees under the law if the landlord is at fault. To get your security deposit returned, you must move out of the property. You cannot just move out and expect to apply your deposit to the last month's rent. You must make a written demand for the return of the security deposit. You need to include in your demand your new forwarding address. If you do not make a written demand for your security deposit within six (6) months after you leave, then the landlord may get to keep the deposit.

How do you terminate your lease?

If you have signed a lease for a set number of months, you are responsible for the rent for the whole period. However, if you move out before the end of your lease, you do not have to pay for the time remaining on the lease period if the landlord is able to rent the property for the same price to someone else for that time period.

If you do not have a lease, you rent from month-to-month. If you rent from month-to-month and wish to move, you must give at least 30 days' notice in writing to the landlord. The same rule applies to the landlord if he or she wishes to end the lease with you.

Many leases require that at the end of the lease, you give 30 days' notice before moving (even if your lease is up). If you do not give the notice, you will automatically become a month-to-month tenant.

Important: The 30-day notice must be given from rent-paying period to rent-paying period. This means that if your rent is due on the 1st of the month, then notice must be given before the first day of the month. The lease will end on the last day of the month. Example: If your rent is due on January 1st and you give notice on January 15th, you still owe rent for the entire month of February. The lease would end on the last day of February.

NOTE: Always read your lease. You need to know exactly what is required of you and the landlord. You also need to know when you must move out or sign a new lease. At some time, you may lease property with someone else. If you decide to move elsewhere during the term of the lease but your roommate stays, you are still responsible for the rent and any injury to the property. Be sure that the landlord releases you from the lease in writing.

What could happen if you don't pay your rent?

If you do not pay your rent when it is due, the landlord may give you notice to pay or move out. This notice can be given to you (or anyone else over the age of 12 who is living with you) to pay or move out within five (5) days. If the landlord posts a notice on your door and mails you a certified copy, generally you will have only ten (10) days to pay or move out. If you fail to pay rent, you may be taken to court. The court can order you to leave and pay your back rent. If you want to stay, you should read the written notice carefully and pay before the deadline. The landlord may report your failure to pay rent to a credit agency, which will damage your credit rating.

When can the landlord enter your premises?

A landlord may enter your premises without your permission only when there is an emergency. Otherwise, the landlord must give you at least one day's notice of his or her intent to enter and may enter only at reasonable times.

What can you do if the landlord refuses to make repairs to the premises?

You must give written notice of any problems you have with the property. You should keep a copy for your records to protect your rights under the lease and the Oklahoma Residential Landlord and Tenant Act.

<http://www.oklaw.org/issues/housing/landlord-and-tenant-problems>

Lease Agreements

If the landlord's failure to follow the lease affects your health or safety, you may give the landlord a written notice that he/she has broken (or "breached") the lease. The notice should state that if the repair is not made within 14 days, the lease will end in 30 days.

If the landlord does not make a repair costing less than \$100, you may write the landlord that you intend to fix the problem within 14 days at the landlord's expense. Then, if the landlord does not correct the problem within 14 days, you should give the landlord an itemized statement of the actual cost (or a fair value of the repair), and then you may subtract this amount from the next month's rent. The lease then does not terminate based on the problem you repaired.

The landlord's failure to fix the problem may make the property unfit to live in or cause immediate threat to your health and safety. In this case, if the problem is not fixed immediately, you may move out and end the lease.

A person has a duty of ordinary care to keep his/her premises in a reasonably safe condition for others' use of the premises. A person should remove or warn others of any hidden danger on the premises.

Chapter VI. Marriage, Divorce, Parental Rights and Domestic Abuse

When can you marry without parental permission?



Anyone who is at least 18 years old can marry without the consent of his or her parent. Anyone under 18 must have the consent of his or her parents or guardians. The consent must be given in the presence of the person issuing the marriage license. In Oklahoma, no person under the age of 16 may marry unless allowed by the court.

Do you need a blood test to get a marriage license?

No, you do not need a blood test in Oklahoma.

What are your rights and obligations as a parent?



All parents, whether they are minors or adults, have certain rights and duties toward their children. Paternity means fatherhood. Establishing paternity helps ensure support from both parents, allows the child to have the father's last name and have access to family medical history. It also allows access to social security survivor benefits, inheritance or to establish Native American tribal membership for the child.

There are five (5) ways to be a father:

- Be married to the child's mother when the child is born.
- Acknowledge paternity using an Acknowledgment of Paternity (AOP) form. If either parent has any doubts about who the father is, they should not sign an AOP.
- Be determined as the father by a judge through the legal process. You may apply with Oklahoma Child Support Services for a DNA test to establish paternity and child support obligations. In Oklahoma, DNA testing is done using a buccal swab. This means a swab, like a cotton swab, is rubbed on the inside of the mouth. It is a painless procedure and no needles are used.
- You may be considered the child's father under the Uniform Parentage Act if you raise the child as if your own for his/her first two years of life.
- Adopt the child.

Parents have a legal duty to provide financial support for their children. A parent must support a child until the child reaches the age of 18 (or until age 20 if the child is still attending high school). The court may order a parent who does not have custody of a child to make monthly payments for the child's living and medical expenses. These payments are called child support. The amount of child support is based on the Oklahoma child support guidelines law.

The Oklahoma Department of Human Services (OKDHS) may provide financial assistance to an eligible mother while she is pregnant and after the child is born. If a court orders you to pay child support, you must do so even if you travel or move to another state. Judgments for past due child support are enforceable in other states, and judgments for past due child support from other states are enforceable in Oklahoma.

The judge has the final authority for deciding who will be the primary caregiver with custody of a child, the visitation with the parents, the amount of child support to be paid and who will make those payments. The court sets the amount of child support based on both parents' income and the amount of time the child is in each parent's care. The child support order includes medical support, and may include other child related expenses, like child care costs. The court may also change orders when incomes of the parties, custody or visitation with a child or other matter affecting child support change. If you don't pay your child support or if you owe past due child support, interest will start to be added after 30 days. OKDHS Oklahoma Child Support Services is required by law to seize bank accounts, take state and federal tax refunds, seek jail time, place liens on property, and suspend any licenses you may have, including professional, driver, hunting and fishing licenses.

Sometimes the mother or father considers allowing the child to be adopted. The Department of Human Services, as well as many private adoption services, can explain the adoption process. Decisions involving paternity and adoption require much thought by both the mother and the father. Talking with parents or other trusted adults may be helpful. Talking to a lawyer who knows about family law is the best way to help understand your legal rights. The earlier in the pregnancy you think about these things, the better.

More information on child support, adoption and paternity can be found at <http://www.okdhs.org> or by calling the OKDHS at 800-522-2922. If you have any questions about your rights and obligations as a parent, you should contact a lawyer who knows about family law.

What are the grounds for divorce?



There are 12 grounds for divorce in the state of Oklahoma:

- Incompatibility
- Abandonment for one (1) year
- Adultery
- Impotency
- Extreme cruelty
- Fraudulent contract
- Habitual drunkenness
- Gross neglect of duty
- Insanity for five (5) years
- When the wife, at the time of marriage, is pregnant by someone other than her husband
- Imprisonment of spouse for a felony
- Failed attempt of one spouse to get a divorce in another state

Eligibility for Divorce

To file for divorce in Oklahoma, a person must have lived in this state for at least six (6) months. Additionally, the person must live at least 30 days in the county in which he or she wishes to file for divorce or annulment. Any person who has been a resident of any United States Army post or military reservation within the State of Oklahoma, for six (6) months immediately before the filing of the petition, may bring action for divorce or annulment or a marriage or may be sued for divorce or annulment of a marriage.

Eligibility for Child Custody

If there are children from the marriage, or if at the time of filing for divorce, the wife is pregnant with the husband's baby, the court will decide the custody, guardianship, medical care, support and education of the minor child(ren). The court may order either spouse to pay alimony for support of the other. The payments may be monthly or in lump sum. The court may later change these payments if there is a good reason.

Division of the Property

Real and personal property will be divided in a just and reasonable manner. The court will give to each person his or her separate property brought into the marriage and kept separate, or obtained by his or her own right during the marriage. The court will divide as fairly as possible the property obtained together during the marriage. The court may divide the marital property by giving certain items to each spouse, or it may give an item of property to one spouse and give to the other spouse an amount of money the court decides is fair. It is important to remember that the property may not be divided equally, but will be divided as the court deems fair. The court will also divide any debt the husband and wife obtained during the marriage.

What is an annulment?

An annulment is like a divorce, but it is not as easy to get. An annulment cancels the marriage as though it never took place. For example, the court will annul a marriage if you were already married, if you were not old enough to get married, or if you or your partner were mentally incompetent to get married. (Note: this is not the same as an annulment which may be obtained through your church. A church annulment does not legally end the marriage.)

What is Domestic Violence and How Can You Get Help?



Domestic Violence is a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence, or financial abuse (using money and financial tools to exert control).

Domestic Violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic affecting individuals in every community, regardless of age, economic status, race, religion, nationality, gender or educational background.

Domestic Violence results in physical injury, psychological trauma, and sometimes death. The 25 consequences of domestic violence can cross generations and last a lifetime.

A Domestic Violence Protective Order is a civil order that can

- Order the abuser not to hurt, harm or harass the victim
- Order the abuser not to contact the victim for any reason
- Give the victim temporary possession of the residence
- Order the abuser to stay away from the victim's school or

workplace

• You can get a Protective Order against

- Anyone closely related to you
- Anyone with whom you live
- Anyone with whom you are or were previously in a dating

relationship

• Who Qualifies for Protective Orders?

- Spouses, ex-spouses
- Present spouses of ex-spouses
- Parents, including grandparents, stepparents, adoptive parents, and foster parents
- Children, including grandchildren, stepchildren, adopted children, and foster children
- Persons otherwise related by blood or marriage
- Persons living in the same household or who formerly lived in the same household
- Persons who are the biological parents of the same children, regardless of their marital status
- Dating partners
- Previous dating partners

How to Get a Protective Order

Contact the Oklahoma domestic violence/sexual assault program in the county in which you live or nearest to where you are and ask for help. You can also go to the courthouse in the county in which you live, where the abusive person lives or where the abuse²³ happened and talk to the Court Clerk about getting the forms to request a Protective Order from a judge.

Marriage, Divorce, Parental Rights and Domestic Abuse

The statewide toll-free hotline for domestic violence, sexual assault and stalking is 1-800-522-SAFE (7233). The website for the Oklahoma Coalition Against Domestic Violence and Sexual Assault is <http://www.ocadvsa.org>. This website has information on domestic violence, sexual assault, verbal abuse, getting a protective order, Internet safety and safety planning.

A listing of red flags of abuse, different types of abuse and FAQs about domestic violence can be found at <http://nnedv.org/resources/stats>

If you are a victim of domestic or dating violence, call 1-800-522-SAFE (7233) or a local DVSA program. The advocates are trained to help victims with a safety plan which can be the difference between staying safe or getting hurt.

If you are an abuser or the victim of abuse, it is possible to get help and counseling without costs or at a reduced fee.

Chapter VII. Medical Treatment and Privacy



Medical Treatment

If you are unable to make your own medical decision, you can appoint someone to make those decisions for you.

Also, if you are under 18, you may consent to have your own medical treatment without the consent of your parents if you are: married, have a child, pregnant, afflicted with a communicable disease or seeking treatment for drug or substance abuse. The health professional has a choice as to whether to inform your spouse, parent or legal guardian. However, if you are in need of emergency services for a condition which endangers your health or life, the health professional is required to notify your spouse, parent or legal guardian. Prevention of pregnancy is not an "emergency service."

HIPAA

Health Insurance Portability & Accountability Act ("HIPAA") is a law designed to protect the privacy and security of your health information. It sets forth rules for the use and disclosure of your confidential or protected health information ("PHI").

When seeking health care services, you should receive a copy of the provider's Notice of Privacy Practices that tells you how the provider will use and disclose your health information.

You also have certain rights under HIP AA including the right to (i) restrict the release of your PHI; (ii) receive an accounting of certain disclosures of your PHI; (iii) access and review your PHI; and (iv) file a grievance if you believe your HIPAA rights have been violated. <https://oklahoma.gov/health.html>

Chapter VIII. Consumer Credit and Bankruptcy

What is credit?



Credit is one way to buy goods and services and pay for them later. Good credit helps you borrow money now on your promise to repay it in the future.

Who can get credit?

Federal law says that everyone has an equal right to credit. This does not mean someone must give you credit. It just means you cannot be denied credit because of your race, sex, color, religion, national origin, marital status, age (unless you are under 18), or because you receive public assistance.

What information does a company review to determine whether to give you credit?

- Place of employment
- Length of employment
- Wage/salary

- Place of residence
- History of paying debts
- Amounts owed to other creditors

What is a credit bureau?

A credit bureau, or credit reporting agency, is a private company that gets information about your credit history. It keeps track of whether you pay your bills on time and gives you a credit rating. These credit reports contain financial and personal information and inform the lender whether you are a good or poor credit risk. The three major credit bureaus in the United States are Equifax, Experian and TransUnion.

NOTE: For additional information regarding consumer credit in the State of Oklahoma, visit the Oklahoma Department of Consumer Credit's website at <https://www.ok.gov/okdoce>.

What rights do you have if credit is denied to you based on information provided by a credit bureau?

You have the right to know the reasons for being turned down. If you are applying for credit for the first time and have no record at all, sometimes the lender may deny you credit. If you are **denied credit** based on information received from a credit bureau, the lender must inform you of the name and address of the credit bureau that supplied the report. You have the right to request a copy of your credit report.

If your credit file contains false, misleading, or out-of-date information, you can make the credit bureau check the problem and make the necessary corrections. If the credit bureau believes what it has stated is correct, you can file a brief statement telling your side of the story. This information must be put in your file. You also may ask for the names of companies who have requested or received a copy of your credit report.

How can you establish a good credit history?

- Get a job and do your best to keep it.
- Open a checking account and do not write "hot checks."
- Open a savings account and make regular deposits to it.
- Apply for credit at a department store.
- Make small purchases on credit and repay the debt as soon as possible.
- Pay your bills on time.

If you continue these practices, you can create a good credit rating, and it will be easier for you to get credit cards and other types of credit in the future (car, house, etc.).

How do credit cards work?

Credit cards let you buy goods or services on credit. There are two basic kinds of credit cards. First, many national and local department stores give credit cards for purchases of their goods at their own stores. Second, many banks issue credit cards such as VISA or MASTERCARD that allow you to buy goods on credit

from any store that takes their card. Some companies provide these credit cards for free. However, some companies may charge an annual fee, and other fees may apply if you do not make payments on time.

The law requires that the lender tell you how much the card will cost you. The finance charges and other costs must be included in the annual percentage rate (APR) of interest, and the lender must give you this information. Different credit cards have different interest rates. There are two types of interest: simple and compound. With simple interest, you pay a set amount for a certain period of time. With compound interest, the interest is added back into the principal and you pay interest on the new amount (in other words, you pay interest on the interest). Check to get the best rate and terms possible.

What if you discover an error in your credit card bill?

To avoid problems with your credit card bill, it is a good idea to save all of your receipts and go over each monthly statement carefully. Report any differences between your receipts and your monthly statements in writing to the credit card company as quickly as possible. Under federal law, the credit company has 90 days in which to respond, and you do not have to pay the disputed amount until the credit card company has conducted an investigation. Additionally, federal law prohibits the credit card company from reporting the matter to a credit bureau until the problem is resolved.

What if your credit card is lost, stolen or used by someone without permission?

To protect yourself, you should keep a record of all credit card numbers and the telephone numbers of the companies with whom you have an account. Once you discover your credit card is missing, call the company immediately and then write the company about the problem. Once you have notified the company, you are not responsible for further charges made on the card. You are responsible for up to \$50.00 per card on charges made before you notify the bank or store. There are also several private companies that will register all of your credit cards for a fee. If you lose your cards, you only have to contact that one agency and they will notify all of the other companies.

What happens if you cannot keep up the payments on a credit card?

If you cannot make the payments, you should tell each creditor IMMEDIATELY and work out a payment plan. DO NOT stop making payments. This can badly damage your credit rating. Companies might be willing to give you longer time to pay off the debt by lowering your monthly payments.

NOTE: For further information on consumer protection, contact the Oklahoma Attorney General's Office Consumer Hotline at 405-521-2029. <https://www.ok.gov/oag>

Protecting your Identity

The use of someone's personal information to commit fraud is a rapidly growing problem in America with millions of people falling victim annually. Victims of this crime can lose money and have their credit rating harmed. It is impossible to completely protect yourself from identity theft, and sometimes incidents can go undetected for long periods of time. However, you should take certain steps to make it difficult for anyone to steal your personal information. The following are simple identity theft prevention methods:



1. Protect your personal information, particularly your social security number. Do not carry your social security card in your wallet.
2. Shield your computer from viruses and spyware, and do not open e-mails from people or companies that you do not recognize.
3. Check your credit reports once a year for any unusual or unauthorized activity.

Bankruptcy



Bankruptcy is a process that allows individuals and families to discharge or reorganize the debts they owe to their creditors. There are five types of bankruptcy - Chapters 7, 9, 11, 12, and 13. Consumers typically file Chapter 7 or Chapter 13.

In both Chapters 7 and 13, a debtor is entitled to receive a discharge, or forgiveness, of all debts except those incurred by fraud, embezzlement, larceny, domestic support obligation, willful or malicious injury to the property of another entity, death or personal injury caused by the debtor's operation of a motor vehicle while intoxicated, or the debtor's failure to pay restitution under certain criminal restitution orders. An educational loan may not be discharged unless the debt imposes an undue hardship.

While there are many differences between a Chapter 7 and a Chapter 13 bankruptcy, key differences include:

- In a Chapter 7 bankruptcy, available, non-exempt assets will be taken and liquidated, or sold, and the money received used to pay off your creditors.
- In a Chapter 13 bankruptcy, a plan to pay off creditors using your wages is made and overseen by a bankruptcy trustee.
- A Chapter 7 bankruptcy generally last 60 to 90 days.
- A Chapter 13 bankruptcy can last up to 5 years.
- A person who has filed for bankruptcy cannot file again for 8 years.

Exempt Property - The debtor may keep property considered "exempt" in Chapter 7 or 13 bankruptcies. There are two different types of exempt property, federal and state. The Oklahoma exemptions allow the person filing bankruptcy to keep a homestead, no matter the value, which includes the home itself and up to 160 acres if it is not within a city or town. The Oklahoma exemptions also allow a person filing bankruptcy to keep a variety of personal property. The specific list of exempt assets under Oklahoma law is found within Title 31 of the Oklahoma Statutes and includes, but is not limited to the following exempt property: all household furniture for personal, family, educational or household use; clothing and wearing apparel up to \$4,000; an automobile valued up to \$7,500; firearms up to \$2,000 in aggregate value; and an unlimited interest in retirement plans qualified for tax exemption or deferment purposes.

For more information, consult the Oklahoma Bar Association Bankruptcy and Reorganization Section.

Chapter IX. Buying a New Vehicle

What type of vehicle do you want? What type of vehicle do you need? What can you afford?



Buying a vehicle is one of the most important things you may do when you become an adult. Try to read all you can about buying a vehicle, whether online or at a library. Be sure to research your choices by referring to such sources as *Consumer Reports*. Ask for advice from someone you trust who has experience in buying a vehicle.

Hopefully, your rights will be protected and you can get the best vehicle for the best price by comparing prices between two or more dealers who sell the same type of vehicle. Remember, the sticker price you see on the window of the vehicle is only the manufacturer's **suggested** retail price. **You don't have to pay that much.** Dealers expect you to bargain with them! Magazines such as *Consumer Reports* can tell you approximately what dealers pay for each make and model vehicle. Banks and credit unions also may be able to tell you what a dealer paid for a vehicle. This information helps you understand how much room you may have to bargain.

Important: Don't be pressured into buying a vehicle

Oklahoma law does not provide for a “cooling off” or cancellation period for a motor vehicle sale. This means that once you sign a contract at the dealership, it is a valid contract and can only be cancelled if the dealer agrees. You cannot cancel simply because you change your mind. Don't sign anything unless you are 100% sure you want the vehicle.

Generally, dealers will offer several add-on products while you are purchasing a vehicle. These products are **always optional**. Ask a parent or friend for advice about the various products offered. Do not feel pressured to purchase these add-on products. Read all contracts carefully, and make sure you know exactly what you are purchasing and the price.

What warranties will you receive if you buy a new vehicle?

Many new vehicles have a warranty covering most parts against defects for a certain number of miles, such as 36,000 miles, or a certain period of time, such as 36 months, whichever comes first. This is not true for every type of vehicle. Check at several different places and compare warranty offers.

Buying a New Vehicle

You can also purchase an extended warranty. Check with your insurance company about purchasing an extended warranty from the insurance company. It may be less expensive than the extended warranty offered by the dealership. Make sure you understand what the extended warranty covers. Sometimes extended warranties are not worth the price, especially for new vehicles.

What if you purchase a "lemon?"

Oklahoma's Lemon Law covers new vehicles only. A new vehicle may be a lemon if there is a defect covered by the warranty which substantially impairs the use and value. However, the defect cannot be the result of abuse, neglect or unauthorized modifications or alterations.

If you think you bought a lemon, you must report the defect in writing to the manufacturer or dealer during the term of the warranty, or one (1) year following the date of original delivery of the vehicle, whichever is earlier. You must take the vehicle back to give the manufacturer or dealer a reasonable number of attempts to fix the problem. If the problem has not been fixed after four (4) attempts, or the vehicle is out of service because of the repairs for a period of 30 days, the manufacturer must either:

1. Accept return of the vehicle and refund the full purchase price to you including fees and taxes, but excluding interest, less a reasonable allowance for your use of the vehicle; or
2. Replace the vehicle with a comparable new model acceptable to you, if one can be agreed upon.

For further information about Oklahoma's Lemon Law, contact the Oklahoma Motor Vehicle Commission at 405-607-8227, <https://www.ok.gov/omvc>.

NOTE: If you buy a used vehicle, there may be an implied warranty that the car is working properly.

Where can you get the money to buy a vehicle?

You may need to borrow money from your bank, a credit union, the dealer, or a financial institution to buy your vehicle. You must pay interest on the money you borrow. The interest will add to the cost of the vehicle. You can choose how long you want to take to pay off the loan. The longer the time you take, the lower your monthly payments, but the more money you will pay in interest over time. Make sure you know your budget and can afford the monthly payment.

When you sign a financing agreement, a contract saying that you agree to pay the money, you have the right to know the total cost to pay off the loan including interest. Remember, if you do not make your payments, the lender has the right to repossess the vehicle and sell it, often leaving you with a large deficiency and damaged credit.

Can a repair shop charge more than the estimate?



Yes, because the amount quoted may be different from how much the repair actually costs you.

Can the repair shop charge for diagnosing a problem before doing an estimate?

Yes. However, if you tell the repair shop not to fix anything without telling you the final cost first, then they must call you before making repairs.

Can you get your vehicle back even if you disagree with the repair shop on the amount of the bill?

Yes, but only if you pay the bill first. This applies to the cost of storage of your vehicle, even if it is not in the shop for repairs. In addition, if you do not pay for the storage or repairs, a notice of sale of your vehicle may be filed to pay for the storage or repair. Once you pay the bill, you may then take the repair shop to court and try to get your money back. In court, you should have a witness experienced in vehicle repairs who can testify why the amount is not owed.

It is important to deal only with reputable repair shops, and to only loan your vehicle to someone you can trust.

Chapter X. Criminal Law

What is the difference between a misdemeanor and a felony?

Felony: A felony is a crime punishable by death or imprisonment in the State Penitentiary usually for more than one year.

Misdemeanor: All non-felony crimes are misdemeanors. Unless the law says otherwise, a misdemeanor is punishable by a fine not exceeding \$500, by a county jail sentence of not more than one year, or both.

All non-felony crimes are misdemeanors. Unless the law says otherwise, a misdemeanor is punishable by a fine not exceeding \$500, by a county jail sentence of not more than one year, or both.

A felony conviction can have other consequences besides imprisonment and/or fines. Potential employers routinely check criminal records. If you have a felony conviction on your record, it could prevent you from obtaining a job in certain industries, prevent you from obtaining certain professional licenses and even cause you to lose a professional license obtained prior to the felony conviction. A felony conviction also places restrictions on some civil rights, such as the right to own and possess a firearm, the right to vote and the right to serve on a jury.

What happens when you are charged with a crime?

In Oklahoma, anyone over 18 charged with a crime may be tried as an adult. If you are convicted of either a misdemeanor or a felony, the court can impose a fine and jail time. Convictions for some offenses require you to register as a sex offender. Even if you are under 18, there are certain crimes for which you are punishable as an adult in Oklahoma.

What should you do if you are stopped by the police?



If you are in a vehicle, stop immediately. If you resist or try to run away, you can be charged with escaping or interfering with a police officer, both of which are misdemeanors. You do not have to consent to a police officer's request to search your car or your belongings. However, a police officer may make an immediate search of the area around you if he suspects a drug or alcohol violation or is concerned for his personal safety. Remember, be respectful. If you have any questions, comments, or complaints, it may be best to make them later to the police officer's supervisor or to an attorney.

What happens if you are arrested?

If you are arrested for anything other than a minor traffic offense, you will be searched, handcuffed and taken to the police station. While you are in jail, the police are required to tell you your rights before they question you.



- You do not have to answer any question or make any statements other than to give basic information such as your name and address.
- You have the right to have an attorney present and to make as many phone calls as is reasonably necessary for you to reach an attorney. Once you request an attorney, you do not have to answer any questions whatsoever.
- If you decide to answer a police officer's questions, you have the right to stop answering questions at any time.
- You have the right to a court-appointed attorney to represent you in court if you cannot afford one.
- You should assume that any statement you make can be used against you in court.

NOTE: You must unequivocally invoke your right to remain silent and your right to a lawyer. Simply remaining silent will not trigger the constitutional protection.

What should you do while you are in custody?



Remain calm and polite. You will be treated better than if you are rude and hostile. Do not discuss the facts of your case with other people in jail. Even if you have not committed a crime, you should speak with an attorney before answering any questions or making any statements. Any statement you make while in custody, to anyone (including other persons being held in jail), may be used in evidence against you.

What happens when you are taken before a judge?



Your first appearance before a judge is called an "arraignment." At this time, the judge will tell you the charges against you and the penalties for those charges. The judge will set bail or a bond amount for you. This is how much money you must give to the court to get out of jail until the trial. The money is to make sure you will return for your next court appearance. You also may be released on your personal identity (or that of your lawyer's if you have a lawyer). This means you will not have to put up any money or bond. Before a judge will release you on this type of bond, the judge will look at the charges, your work record, any criminal record and your ties to the community.

What are the penalties for possessing or distributing drugs?



Distribution, or possession with intent to distribute, of a Schedule I or II drug that is a narcotic, LSD, or certain other substance is a felony. You can be sent to jail for a minimum of 5 years to life and fined \$100,000. The court must sentence you to at least five years in prison with no possibility of a deferred sentence or probation for a second offense. Examples of classifications of these drugs include:

Schedule I

- Heroin
- LSD

Schedule II

- Methamphetamines
- Amphetamines
- Cocaine

Possession of a Schedule I or II drug is a felony punishable by a prison sentence of 2 to 10 years and a fine of \$5,000.

Possession of a Schedule III, IV or V drugs, or a very small amount of marijuana, is a misdemeanor punishable by a jail term of up to 1 year and a \$1,000 fine. A second offense is a felony punishable by a jail term of not less than 2 years or more than 10. Possession near a school or park carries double the sentence. However, a second offense of possessing a small amount of marijuana is a felony and you can be sent to jail from (2 to 10) years and fined \$5,000.

Schedule III



- Tylenol with Codeine
- Vicodin
- Neostene

Schedule IV

- Valium
- Diet drugs (for example, Pondimin, Falwin, Fastin, Lonamin)

Schedule V

- Pseudoephedrine
- Lomotil
- Lofene
- Broncholate CS

NOTE: In Oklahoma, "possession with intent" to distribute may be inferred by the amount of the substance in the person's possession. Drug violations in or around schools, colleges, vo-techs, public or state parks and recreation centers increase the punishment, and a violator must serve 50 percent of the sentence on a first offense and 90 percent of the sentence on a second offense before becoming eligible for early release (or credit toward the sentence).

When can you buy beer or alcohol?

In Oklahoma, you must be at least 21 years old to buy beer or alcohol. If you buy, or even attempt to buy, beer or alcohol if you are not 21, you can be arrested, fined and jailed. If you use a fake I.D. to buy beer or alcohol, you can be convicted of a misdemeanor, fined and have your driver license taken away.

If you are under 21 years of age it is illegal to:

- Be in possession of beer or alcohol.
- Be under the influence of drugs or alcohol while in public.
- Attempt to purchase alcohol with or without a fake I.D.
- Enter and remain in a bar.
- Drink any amount of alcohol and drive.
- Transport any alcoholic beverages.

Chapter XI. Guns and Weapons

It is illegal for any person (must be 21 years old) to carry upon or about his or her person the following weapons unless a "concealed carry" permit has been issued:



- Pistol, revolver, shotgun, or rifle;
- Dagger, bowie knife, dirk knife, switchblade knife, sword cane and;
- Blackjack, loaded cane, billy club, or metal knuckles.

A person may carry guns or knives while hunting, fishing, or for recreational purposes if he/she has a proper Oklahoma Hunting or fishing license (14 yrs. of age). Additionally, law enforcement officers and those individuals that obtain a concealed carry permit may carry certain firearms and weapons.

Chapter XII. Driving

Is driving a right or a privilege?

Driving an automobile in Oklahoma is a privilege.

Are you required to have automobile insurance?

Yes! Everyone who operates a motor vehicle in the state of Oklahoma is required to have current liability insurance. While driving, the operator must carry an insurance form that says the insurance is current. In addition, a vehicle cannot be tagged or registered without proof of insurance. Failure to produce that form, if asked, is punishable by a fine of not more than \$250, imprisonment of not more than 30 days, or both. If you go to court within 48 hours and prove you had a current insurance form, the ticket will be dismissed.

What happens if you get a parking or traffic ticket and cannot afford to pay it?

It is important to **SHOW UP FOR THE COURT APPEARANCE** indicated on the ticket, even if you cannot afford to pay. When you get to court, explain to the judge your financial circumstances and ask for additional time to come up with the money. The court may give you a continuance, which means that you will get another court date and additional time to save some money.

Even if you do not have the money the second time, you must appear and explain your financial circumstances to the judge in order to avoid stiff penalties. If you do not appear at the set court date, the cost of your fine will increase and there may be a warrant issued for your arrest, which will make the penalty even greater.

What happens if you are stopped for driving under the influence (DUI)?

In Oklahoma, if you are driving and are stopped by the police, you are requested to take a breath test to find out how much alcohol is in your system. You do not have a choice between a breath test and a blood test.

Whether you take the breath test or not, your driver license will be suspended or revoked for at least 180 days. Additionally, your refusal to take the breath test may be used against you at your trial.

If you do take the breath test, you have the right to know the results of the test. The results of the test may be used against you in court.

If you are under 21 years of age, it is unlawful for you to drive or operate a motor vehicle with ANY measurable blood alcohol content. If you are over 21 years of age, it is unlawful for you to drive or operate a motor vehicle with a blood alcohol content of eight hundredths (.08) or more. **Drinking alcohol affects every person differently**, but the risk of drinking and driving is a grave one for every driver and his or her passengers. For a first offense, your license may be revoked for at least 180 days. **You only have 15 days to notify the Department of Public Safety if you want an administrative hearing to try and have your license reinstated.**

What are the penalties for DUI?



A first DUI is a misdemeanor. The DUI penalties for those 18 to 21 years of age are as follows: a fine not less than \$100 or more than \$500, plus 20 hours of community service, plus interlock and revocation of your driver license for not less than 180 days. You may also be ordered to undergo drug treatment for substance abuse in addition to the above listed penalties. If you are found guilty of another DUI in Oklahoma within ten (10) years of the first conviction, it is a felony and you may be put in prison for not less than one (1) year and not more than five (5) years, fined not more than \$2,500, be required to forfeit your car, be ordered to undergo treatment at your expense and be subject to electronic monitoring. If you are not sent to prison, but get a suspended sentence, you may have to do community service and undergo rehabilitation.

What happens if you are stopped with an open container in your car?

It is illegal to have an open container of beer or alcohol in your car. A container is considered "open" when the original seal or cap has been broken. This applies even if the container is in the back seat and out of your reach. If you have an open container in the car, it must be placed in the trunk or any outside compartment that you cannot get to from inside the vehicle while it is moving. If you are found guilty of having an open container in your car, it is a misdemeanor and you can be fined not more than \$50.

A person has a duty to use ordinary care to avoid lending a motor vehicle to another person whom she/he reasonably should know is intoxicated, careless, reckless, or incompetent to drive.

Chapter XIII. Traffic Accidents

NOTE: In 2013, according to the Oklahoma Department of Public Safety, 14 fatal crashes, 602 injury crashes and 1,028 non-injury crashes involved a driver distracted by an electronic device. 677 of those distracted drivers were 25 years of age or younger. https://ok.gov/ohso/Data/Crash_Data_and_Statistics/

Oklahoma, along with many states, has outlawed while driving, talking on a cell phone and/or texting or doing other tasks using electronic devices. A \$100 fine will be applicable to such activities.

What should you do if you are involved in a traffic accident?



STOP! If you are involved in an accident, you must stop as soon as possible to avoid risking further problems. It is a crime to leave the scene of an accident. If **SOMEONE IS INJURED** call 9-1-1 and leave the cars unmoved. If no one is injured, the law provides that drivers should make "every reasonable effort" to remove the vehicles after an accident so as to not obstruct the regular flow of traffic.

YOU MUST EXCHANGE names, addresses, registration numbers of vehicles, insurance verification forms and driver license numbers with the other drivers involved. You must report to the nearest law enforcement officer all accidents involving the injury or death of a person or causing damage to a vehicle or property over \$300.

Get the names and addresses of all witnesses to the accident. Do not comment on who you think is to blame for the accident.

What happens if there is an injury accident while you are under the influence of alcohol?

Driving with alcohol in your system greatly increases the chance of an accident and doing so puts you at risk of a felony conviction and a very long time in jail. Regardless of who caused the accident, you must serve not less than 90 days in jail. If this is your second offense, it is a felony and you must serve between one (1) and five (5) years in jail. Even if it is the first offense, if you caused great bodily injury in the accident, you are guilty of a felony and must serve one (1) to five (5) years in prison.

IF YOU HIT AN UNOCCUPIED VEHICLE OR ROADSIDE PROPERTY, you must leave a note with your name and address and information from your insurance verification form. This way, the owner of the property will know how to get in touch with you and with your insurance company.

NOTE: Notify your insurance agent of the accident as soon as possible.

Chapter XIV. Jury Duty



Jurors are used in the trial of most cases, criminal and civil, to decide the facts of the case. A jury can be either twelve or six individuals, and usually there are alternate jurors in his or her jury pool. This is in case a juror cannot finish the case.

What are the qualifications for serving on a jury?

All citizens of the United States who are residents of Oklahoma, and who have the qualifications to vote, even though not registered to vote, can serve as a juror unless there is a law that allows them not to serve.

Persons who cannot serve on a jury include the following:

- Anyone who has a mental or physical condition that makes the person incapable of performing jury services;
- Sheriffs or deputy sheriffs;
- Jailers or law enforcement officers, state or federal, having custody of prisoners in a county with a population of then 255,000.
- Licensed practicing attorneys;
- Persons convicted of any felony or who have served a term in any state or federal penitentiary for commission of a felony, unless the person's civil rights have been restored; and
- Legislators during sessions of the legislature or when they are involved in state business.

If you are called, do you have to serve?

It is the policy of Oklahoma that all citizens qualified for jury service have an obligation to serve. Jury service is not only a legal obligation, it is a civic duty. Unless you are disqualified or can claim a legal reason for not serving, you must serve. Failure to appear for jury service may result in the imposition of or fine not to exceed \$500.

How long does jury service usually last?

It depends on the court where you are serving. It also depends on how long the case lasts, but normally, jury service will last one week or less.

Do jurors get paid?

Yes. The amount depends on the court in which you are serving, but it is only a small daily fee. In addition, jurors receive a mileage reimbursement.

Will you lose your job or your pay when you serve on a jury?

Employers are prevented by law from firing an employee because he or she has been summoned for jury duty. However, the law provides that you do not need to be paid while you are serving. You have the option of using your accrued sick or vacation time.

Chapter XV. Making A Will and A living Will

What does a will do?

A will allows you to decide and put in writing who should receive your assets instead of leaving the decision to state law. A judge rules on state law regarding who receives your assets. For example, if you have children, you can leave property in trust for them. You can leave property to your favorite charity, or you can divide your property among many different people. Most importantly, if both parents die and leave minor children, the court will consider a request in the will about whom the parents want to be appointed as the guardian of the children.

Do you need a will?



If you are an individual with assets, and 18 years old or older, you need a will in which you can set forth who will receive your assets upon your death, subject to certain limitations. Your wishes for who receives your assets may not match state law. If you are married, your spouse is entitled to receive at least one-half of your assets in a will. A will should be revised as your life circumstances change - when you get married, have children, or gain more assets.

What happens if you don't have a will?

If you die without a will, state law determines who will get your assets and how they will be divided, unless your assets have been assigned to a Trust or have a proper beneficiary designation. For example, if you were unmarried and had no children, your assets will go to your parents. Another example would be if you were married and had one child together, your spouse would receive one-half of the assets and your child would receive one-half of your assets (even if the child was an adult at the time of your death).

What happens legally upon death?

When a person dies, there is a court procedure, known as probate, to process an estate and distribute assets that are still in a person's name at death. Assets held in a Trust are not part of a deceased person's estate. Assets that have a beneficiary designation will pass to the beneficiary upon the owner's death. Probate is about the same whether there is a will or not. The difference is in the way the assets are divided. If there is a will, you decide who will carry out your wishes as set out in the will. That person is called the personal representative. The personal representative has the responsibility and legal obligation to deal with estate matters and to place the estate in order for distribution. You should seek the advice of an Estate Plan Attorney to discuss your options on the distribution of your estate upon your passing and the nomination of Guardian for any minor children. There are options to avoid probate with proper Estate Planning.

Advance Directive for Health Care with a Living Will

When you become 18, you may also make an Advance Directive for Health Care. An Advance Directive has several parts, one of which is a Living Will. This tells physicians whether you wish to be put on life-sustaining treatment if you become terminally ill or persistently unconscious and cannot make your own decisions. In another part of the advance directive, you can appoint a health care proxy to make medical decisions for you if you cannot make them yourself, but you are not dying. You can get the forms for an advance directive from the Oklahoma Bar Association, the Oklahoma Medical Association, the Senior Law Resource Center and most hospitals for no charge. USE okbar.org (content uploads/2018 vance directive form)

Chapter XVI. Social Media and Unintended Consequences



Social media is part of our lives. Personal expression, sharing information, and conversations can now all be done almost effortlessly via computer, tablet, or phone. The speed of these communications tools, combined with the feeling of relative anonymity and the ability to spread information to huge audiences, opens new legal issues and new opportunities to hurt others and create criminal or civil liability for yourself or other people.

Before texting, posting, tweeting, or sharing, here are some things to keep in mind:

1. Making a threat of violence against a person or thing is just as much a criminal act when done online as if done in person. It can land you in jail. Likewise, threats of violence may also be used by a school as a basis to suspend, expel, or otherwise punish a student if the threats relate to the school, other students or school employees.
2. Social media posts intended as a joke may not be taken that way by others. In recent years, Oklahoma students have been suspended or expelled from school, prosecuted in criminal courts, and in more severe cases, put in jail for posts about violent acts like shooting or bombing a school, even when the posts were not intended to be serious.
3. "Sexting" can be both illegal and very dangerous. Explicit images or text sent via social media or smart phones are nearly always traceable and almost never anonymous, even if a sender intends them to be. They can be easily copied, recorded, or shared for purposes of bullying, stalking, or blackmailing those participating or depicted in explicit posts. If any person in a sexually explicit image or video is under 18, anyone caught sending, receiving, or merely in possession of a copy, can be prosecuted under Oklahoma's child pornography laws. Violations carry a penalty of up to 20 years in prison followed by mandatory registration as a sex offender for up to 15 years.

4. Oklahoma also has the Oklahoma Computer Crimes Act, which makes it a criminal offense to use any computer system or network to annoy, abuse, threaten, or harass another person.

5. Even when posts do not cause legal problems, they can cause other costly issues. For instance, employers routinely perform searches on the internet as part of their background checks when hiring potential employees. A person who has a perfect record in every other aspect of life and school may be denied opportunities because of careless, hateful, indecent, or immature use of social media. It is difficult to "cure" this ill later, since even deleting posts does not remove all record of them.

A simple rule of thumb can help you avoid unintended legal consequences for posting anything in social media. If you would expect to get in trouble for it in person, it is a good bet you will get in trouble for it online. And unlike something done in person, there will almost always be a record documenting that you did it. No matter how you post something, it is never truly or totally anonymous and will leave some kind of record.

This record can have lasting consequences, because things you post or share on social media may also be used against you (or others) in court. For instance, if you share a story or post a photo of yourself or someone you know using illegal drugs, drinking while underage, or engaging in criminal activity of any kind, it sometimes can be used as evidence to convict that person in a criminal court. It is now commonplace for Oklahoma law enforcement and probation officers to check social media for evidence of a suspected crime or violation of probation or parole. Things depicted in YouTube videos have resulted in jail and prison sentences for offenders in Oklahoma courts, and this use of social media evidence is becoming more common every day. You could also have civil liability for things you post or share online.

There are limits to legal liability for online communication just like in the physical world. Social media posts are a form of free speech protected by the First Amendment. This means that while you can get in trouble for things like threats, harassment, or malicious lies (because these are **NOT** protected by the First Amendment), you have the right to express a view or position that is unpopular, disagrees with others, or criticizes someone in a position of power or authority. If you are ever threatened with punishment or criminal prosecution for exercising free speech online, contact an attorney or civil liberties organization for help.

If you yourself have been the victim of abuse, threats, or harassment using social media, there are legal options that can help you if you have been harmed or now feel unsafe because of these. Contact your local police or sheriff's department or school administrator for help.

Chapter XVII. Conclusion

You have many new rights and responsibilities when you turn 18 and are considered an adult. We hope the information contained in this guide explains some of these rights and responsibilities and answers some questions you have about them. This information is provided to make you think and to help you understand the risks and legal consequences of your daily decisions. We encourage you to use good common sense.

While we try to keep this information current, the law is always changing. This is just a guide; it does not contain legal advice. If you need more information, or if you have a specific legal question, you should talk with a lawyer.