

SO, you're 18 now...

A Survival Guide for Young Adults: Rights & Responsibilities



A public information product of the Colorado Bar Association Law Education Committee

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Introduction

This booklet is designed to give you some basic information on the new rights and responsibilities you have when you turn 18 years old and become an adult in the eyes of the law.

As an adult, you have many new rights, including the right to:

- vote in public elections
- hold a public office
- rent an apartment in your own name
- buy a car in your own name
- get credit in your own name
- get married without your parents' consent
- get medical treatment without your parents' consent
- join the military without your parents' consent.

In addition to your new rights, you also have many new responsibilities, including:

- registering for the draft (if you are male)
- your own support (your parents are no longer required to support you)
- paying back any money that you borrow
- accidents or injuries you cause
- your actions as an adult (juvenile law no longer applies to you)
- jury duty, if called to serve on a jury.

This booklet will provide brief answers to some of the questions that you may have about your rights and responsibilities as an adult. It may not answer all of your questions. For more information, turn to the “Resources” section in the back of this booklet.



Citizenship

Military Service

It is possible to join the military at age 17, with your parents' consent. However, once you turn 18, you can join the military without your parents' consent.

Every male who was born after January 1, 1960, must register for selective service (the draft). You may register for the draft 120 days (four months) before your 18th birthday, but you must register within 30 days (one month) after your 18th birthday. You must keep your registration updated until your 26th birthday. Selective service registration forms are available at any local post office and you can now register online at <http://www.sss.gov>.

The penalties for not registering are fines up to \$250,000 dollars and/or the possibility of spending up to five years in prison. Also, you may not be eligible for federal jobs or federal financial aid if you fail to register.

Voting

General elections are held the first Tuesday (after the first Monday) in November in even numbered years. Ballot issue elections are held on the first Tuesday in November in odd numbered years.

To vote in an election in Colorado, you must be:

- A citizen of the United States
- A resident of a Colorado precinct for 30 days before the election
- 18 years old on or before the election date, and
- Registered as a voter at least 29 days before the election.

Call the county clerk for the county where you live, or the election commission office for the county where you live, to find out where to register. It is possible to register to vote at any driver's license office or public assistance agency, many public libraries, by mail if you use an approved form available at any county clerk's office, or online at your county clerk and recorders office. For voter registration forms and clerk and recorder information, go to: http://www.sos.state.co.us/pubs/elections/voter_reg_form.pdf.

If your 18th birthday is less than twenty-nine days before the election, you may still register (at least twenty-nine days before the election date), even if you aren't 18 at the time you register.

Because of new requirements under the Patriot Act you will now be required to show a valid photo i.d. when you vote.

Jury Duty

You qualify for jury service if:

- you are able to read and write English
- you are at least 18 years old
- you are a citizen of the state and resident of the county (or city) where you would serve as a juror, and
- you have not served five or more days as a juror in the last year.

Names of possible jurors are selected at random from voter registration lists. A notice is sent to appear in court (you can have one postponement of your jury service without a specific reason). More jurors are called than will actually be needed to hear a case, because some people may be excused or disqualified.

Jurors may be excused by the judge if they have a physical or mental disability (one must show medical proof of the disability to be excused) or if one is the sole caretaker of a disabled person who lives in the same home. The judge may disqualify a person from jury service in a particular case if the person is: a witness in the case; related by blood or marriage to one of the parties; prejudiced for or against a party; or if the person has a financial or legal interest in the subject matter.

Once a group of jurors is assigned to a case, the judge and lawyers may ask the jurors questions. Then, the lawyers may ask that some jurors be excused for cause, such as bias or financial interest, or for no particular reason at all. When a lawyer asks that a juror be excused for no particular reason, it is called a preemptory challenge. Each lawyer has a specific number of preemptory challenges available to them.

If you are sent a notice for jury service and are not excused for any reason, you must serve at least one day as a trial juror. The length of the trial will determine how long jurors will serve.

Grand jurors serve for twelve months. Grand jurors are called to help with investigations and indictments, but do not hear trial cases. They listen to testimony and evidence as a trial juror would, but do not decide guilt or innocence; they determine if a case warrants going to trial, based on the evidence.

Jurors will be paid for jury service either by the court or by one's employer (up to \$50 per day). The employer must pay regular wages for the first three days of jury service. The pay rate for part-time and temporary employees will be determined by the salary they were paid for the three months preceding jury service. If you are unemployed, you may get reimbursed by the court (up to \$50) for day care expenses, travel expenses, or other necessary expenses (not including food).

“If you are sent a notice for jury service and are not excused for any reason, you must serve at least one day as a trial juror.”

Taxation

Taxation without representation was a major motivating factor in America's fight for independence and self-determination. A tax is a burden or charge assessed by federal, state, and local governments to generate revenue. There are many types of taxes.

Income taxes are assessed and collected by the federal government and the state from individuals, corporations, partnerships, trusts, and other legal entities. Even children under 14 years of age may be taxed on income. Every U.S. citizen and every U.S. resident must file an income tax return if their gross income is \$2,550 or more for the tax year. Income tax returns must be filed by April 15 every year. An automatic extension for filing the return may be obtained. However, the correct amount of tax has to be paid by April 15 or the taxpayer may be liable for penalties and interest. Employers are required to withhold money from their employees' wages and forward it to the Internal Revenue Service ("IRS") for their employees' projected federal and state income taxes. Individuals who are self-employed may have to pay estimated amounts for income taxes to the IRS and the state of Colorado on a quarterly basis. Income tax laws are complex and change regularly, and it is recommended that a tax expert be consulted when preparing income tax returns.

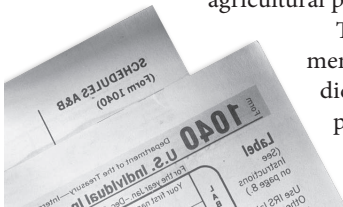
Most employers are required to withhold the Federal Insurance Contributions Act ("FICA") tax from wages paid to their employees. Most employers are required to pay FICA tax on the amount of wages paid to each employee during the calendar year. People who are self-employed also are required to pay FICA tax. The FICA tax generates revenue for Social Security and other programs. Social Security is a comprehensive contributing insurance plan to protect workers and their dependents from the risk of loss of income due to old age, death, or disability.

Federal and state governments also impose excise taxes. Excise taxes are imposed on the right to exercise a privilege. There are numerous federal and state excise taxes, some of which include: the federal and state gasoline tax; state and local government sales and use taxes; and taxes payable when paying licensing and registration fees.

Annually, Colorado taxes motor vehicle owners based on the taxable value of their vehicles. The amount of the tax decreases as the motor vehicle gets older and its value decreases.

The state, counties, and special districts also assess taxes on the owners of real property and personal property. Real property is land, including improvements on it (houses, buildings). Personal property is anything other than real property. Personal property is generally movable, while real property is not. The amount of the tax generally is based on the value of the property at a particular time and location. There is an appeal process if the taxpayer disputes the assessor's valuation. The type of property determines the rate on which the property is taxed. Commercial, residential, and agricultural properties are taxed at different rates.

The City and County of Denver collects an employment head tax for all persons employed within its jurisdiction. Anyone working in Denver must currently pay \$5.75 per month. Likewise, employers currently have to pay \$5.25 per month for each of their employees.



Immigration and The Patriot Act

The acts of terrorism against the United States on September 11, 2001, have resulted in a lot of changes to the immigration laws of the United States and may even have consequences for citizens whose parents or grandparents are from a different country of origin. The United States government has declared a war on terrorism. As a result, certain groups have been identified as fitting into “terrorist profiles.” Terrorist profiling exposes alien and citizen Muslims, as well as aliens and naturalized citizens from other countries to heightened scrutiny, and may also be used to identify those who criticize the government’s foreign or national security policy. Terrorist profiling may affect you even though you are a citizen and were born in this country.

United States immigration law tends to assume that aliens residing in the United States remain loyal to the country from which they came. When

tensions arise between the United States and another country, the United States has the power to detain or remove the citizens of that country. With the passage of the Patriot Act and other security laws, citizens and aliens of many countries are now required to register with the Immigration and Naturalization Service and to be fingerprinted and photographed.

The Patriot Act also authorizes broad surveillance methods, many of them conducted without consent, including physical searches. The Attorney General of the U.S., and law enforcement officers, now have much broader powers to obtain information they believe may lead to evidence of terrorist activity. If you are an alien, it is important that you always have with you documents that show that you are lawfully admitted for permanent residence in the United States. If you are an alien student, you should check with your schools administrative offices to determine if you are required to register and if you are from a country designated as a threat to national security.

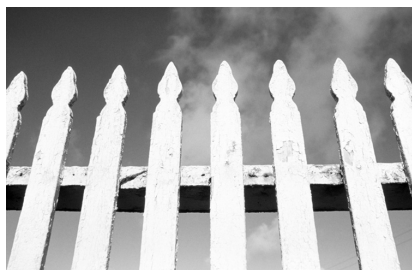
It is the duty of every alien now in the United States, who is 14 years of age or older and who has not been registered and fingerprinted and remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted within thirty days of arrival. If you are a student, you should always have available your passport and alien registration statement, evidence of enrollment from your school, evidence from school officials showing that you are maintaining the proper number of credit hours, and evidence of your current address.

If you are a lawful permanent resident, you should always have identification, with a photograph, that clearly indicates your status. If you are a naturalized citizen, it is in your best interests to have a U.S. passport. Remember that you are entitled to the services and protections that all citizens have. Contact your congressional representative or one of the many state agencies if you need assistance.

A partial list of websites related to immigration and the effects of the Patriot Act are listed in the “Resources” section of this booklet.

“When tensions arise between the United States and another country, the United States has the power to detain or remove the citizens of that country.”

Where You Live



Renting

If you rent an apartment or a house, you are considered a “tenant” or “lessee” of the premises. The person (or company) from whom you rent your living space is considered the “landlord” or “lessor.” It is important for you to understand the basic aspects of the landlord-tenant relationship so that you can know your rights and responsibilities if a problem arises.

The Lease

After you find a place to rent, you will probably be asked to sign a rental agreement called a “lease.” A lease is a contract that spells out the rights and responsibilities of both the tenant and the landlord. Your lease should always be in writing and signed by both you and your landlord. Even if you are told that the lease is a “standard” form that cannot be changed, you should take the time to read the entire document before you sign it. If you don’t understand any part of it, ask someone knowledgeable in landlord-tenant law to explain it to you. (See the “Resources” section at the end of this booklet.) It’s a good idea for you to keep a fully signed copy of your lease and any other papers you are asked to sign. If the landlord tells you one thing (e.g., “Sure, you can have a dog.”), but your lease says something else (such as, “Pets are prohibited”), the lease will usually control.

Rent

Although all of the paragraphs in your lease are important, you should pay particular attention to the ones concerning rent, security deposit, repairs and maintenance, the duration of the lease, and renewal or termination at the end of your lease. The lease language regarding rent should help you to answer basic questions, such as: How much rent will you have to pay? When, where, and to whom must you pay your rent? Is there a “late charge” if your rent is paid after a certain date? Are there other consequences of not paying your rent by a certain date each month? How often and by how much can your rent be increased? Must you accept a rent increase? What do you get for your monthly rent? Is heat included? What about other utilities, like water, trash, sewer, electricity and cable?

Security Deposit

When you sign your lease, your landlord probably will require you to pay a security deposit in addition to your first month’s rent. That deposit, which is usually equal to the amount of one or two months’ rent, is intended to protect the landlord in the event you violate the lease (for example, by causing damage to the property beyond “normal wear and tear”).

Under Colorado law, your landlord must return your security deposit within one month after you move out, unless your lease allows for a longer period, which can be up to sixty days. If your landlord retains some or all of your security deposit after you move out, he or she must provide you with a written statement listing the exact reasons. If your landlord does not follow these rules, you can sue to recover three times the amount wrongfully withheld, plus attorney fees and court costs. However, you must notify the landlord of your intention to file a lawsuit at least seven days before you go to court.

Repairs

While you're renting, something in your living space may break or stop working. Before that happens, you should check your lease to see who is responsible for making or paying for repairs. Whenever possible, you should notify your landlord in writing before calling a plumber or any other repairperson. If you end up paying repair costs out of your own pocket, you may be tempted to deduct those amounts from your next rent payment; but be careful, because your lease may not allow for such deductions. If there are severe maintenance problems (such as no water or no heat) and the landlord fails to correct them within a reasonable time, you may have legal grounds for ending your lease and moving out.

Term

Most residential leases extend for a fixed period or "term" (such as six months or one year), during which time the rent cannot be changed. Some leases provide for a month-to-month rental if you stay (or "hold over") past the end of the original lease term. However, other leases provide for an automatic renewal, unless you give a termination notice a certain period of time (commonly thirty days) before the end of the term. If your lease has a renewal provision like that, watch the calendar carefully or you may find yourself responsible for paying rent on a place you don't even want to live in anymore!

Ending Your Lease

If your lease term has expired or you have violated any of the provisions of your lease, your landlord may seek to have you removed or "evicted" from the property. Unless you agree otherwise, the landlord generally is required to give you at least three days to leave or "quit" the premises. If you receive a "notice to quit," a "demand for possession," or any other legal document addressed to you, don't ignore it! If you fail to move out or take action by the applicable deadline, the landlord may seek a court order to have you (and your possessions) removed. If you've ever seen a pile of someone's belongings on the front lawn outside an apartment building, you've seen what can happen when there's an eviction.

When you're moving out of a rental property, it's a good idea to take photographs before you leave for the last time. That way you'll be able to show the condition of the place when you left. Also, be sure to leave your forwarding address with the landlord. By law, the landlord is required to send only your security deposit (or a written explanation of why it's not being returned) to your last known address. If you cannot be reached at that address, your landlord has no obligation to track you down.

Buying

Many people prefer renting, which gives them more flexibility when they want to relocate. For those who are still in school or just starting their careers, it's not unusual to change addresses (and roommates) on a periodic basis. Even if you're in that category now, you may eventually want to "settle down" and buy your own home. It might be a single-family house, a duplex, a condominium, or some other type of housing. Whatever the case, buying a home is one of the most significant purchases you will make in your lifetime. So, you should consult with an experienced professional (such as a real estate lawyer or agent) before signing on the dotted line.

If you are the person buying a home, you are referred to as the "buyer." As you would expect, the person selling the home is called the "seller." In most cases, the buyer and the seller are represented by "brokers," who negotiate on behalf of their respective clients. Although most of the negotiations usually focus on the issue of price, offers and counter-offers might also address other topics, such as whether certain fixtures will remain in the home after it is sold.

After an informal agreement is reached, the buyer and the seller enter into a formal written contract called a "purchase agreement." The purchase agreement should be drafted and reviewed with care, as it is the most important document in the transaction. With advice from your representative, you should make sure that it addresses all contingencies. For example, if you are going to be financing a large portion of the purchase price with a mortgage loan, you should make sure that your obligation to buy the seller's home is subject to your obtaining a loan commitment from a bank or other lending institution.

A prudent homebuyer will often make it clear in his or her purchase agreement that he or she has the right to have the property inspected by a professional home inspector. If the inspector finds defects (which are sometimes not obvious to the average person), the buyer then has the right to cancel the contract within a certain amount of time.

A buyer often will be required to deposit "earnest money" at the beginning of the transaction. That amount is not the same thing as a down payment, although it can be applied toward the purchase price if the sale goes through. Rather, earnest money represents the buyer's commitment to take all necessary steps to complete the purchase. If you pay your earnest money but then don't follow through (for example, by not trying to obtain a loan), you run the risk of losing your deposit.

There are many other concepts and documents associated with buying a home. By the time you get to the "closing" (which is the meeting at which ownership of the property is transferred), you should have a clear understanding of exactly what you're getting and exactly what you're giving in return. If you buy a cheap car that turns out to be a lemon, you can try to trade it in or just find yourself a better set of wheels. If you rent an apartment that turns out not to be in a good location, you can move out at the end of your lease with no further obligation. But if you buy a house that turns out to have major problems (such as expanding soils around the foundation, or contamination of some sort), the consequences can be disastrous. So, take the time to get some good advice, and look before you leap into home ownership!

Family Law



Marriage

One must generally be 18 years of age and mentally competent in order to marry in the state of Colorado. Two types of marriages are: (1) the ceremonial marriage that requires the couple to have a license, a ceremony (judge or religious), and two witnesses; and (2) the common law marriage that is a marriage by operation of law. In order for a common law marriage to exist, the couple must live together, intend to be considered married, and hold themselves out to third parties and/or the community as being married. The type of conduct that can be used to demonstrate the intent to be married includes such things as having joint bank accounts, owning property jointly, or filling out joint tax returns. Although the couple can be considered common law married, there is no such thing as a common law divorce. That is, the only way a common law marriage can be dissolved is through the same divorce proceedings used to end a ceremonial marriage. You cannot simply declare the relationship over.

Annulment

A marriage can be declared invalid by a court of law based on certain very specific statutory criteria. The action may be brought by either one of the parties to the marriage, a legal representative of a party who may not be competent, or by the parents or legal guardians of one of the parties.

Sufficient legal grounds for an annulment include:

- lack of legal capacity due to mental incapacity because of infirmity or to the influence of drugs/alcohol
- being underage and having not received the consent of a parent or guardian
- physical incapacity to consummate the relationship
- marriage based on fraudulent act or representation, which goes to the essence of the marriage
- duress—that is, by force or threat
- entering the marriage as the result of a joke or dare or where the marriage otherwise would be prohibited by law, such as when someone who is not legally divorced gets married again, or marriage between close relatives such as an uncle and niece or a sibling (brother or sister).

Marriages are not easily annulled. The person bringing the action must prove his or her case by clear and convincing evidence. That is a higher burden of proof than

that typically required in civil (versus criminal) actions. Children born of annulled marriages are considered legitimate in the eyes of the law and both biological parents are required to support the child. However, paternity may be challenged and either proved or disproved by way of genetic blood tests.

Depending on the legal basis for the annulment, the time during which annulment may be filed with the court (the statute of limitations) is generally between six months and two years.

Dissolution of Marriage or Legal Separation



Legal Separation

The procedures involved in dissolution of marriage, divorce or a legal separation are identical. All matters relating to custody, child support, parenting time, maintenance, division of property, and debt are determined in the course of either of these legal proceedings. The only major difference between divorce and legal separation is that under a legal separation, the parties are still considered married in the eyes of the law. Any additional property or debt accumulated individually after the legal separation is each person's respective sole and separate property.

A decree of legal separation may be changed into a decree of dissolution of marriage six months after entry of the motion.

Dissolution of Marriage

Colorado is a "no fault" state. This means that the only thing that needs to be alleged by the parties seeking to dissolve their marriage is that the marriage is "irretrievably broken." At least one of the parties must have lived in Colorado for at least ninety days prior to the filing of the petition seeking dissolution. The petition may be filed in the county where either party resides or where the marital residence was or currently is. A decree of legal separation or decree of dissolution of marriage may be entered ninety days after the filing of the petition.

The important issues in the divorce concern parental responsibilities, child support, parenting time, maintenance, and division of property and debt. Colorado is an "equitable division" state not a "community property" state. The parties either may decide what division of property is equitable or the judge can decide. The property does not have to be divided 50-50.

The parties may agree about how to resolve the issues involved in their divorce. This agreement is called a “separation agreement”. The court will review this agreement, however, in order to determine whether it is fair to the parties and to any minor children.

If the parties cannot resolve the issues on their own, they may participate in mediation either voluntarily or by order of the court. If the parties still cannot resolve the matter after mediation, the parties may set a hearing before the court and let the judge resolve the issues.

Regardless of what the parties agree, the primary concern is what will be in the best interests of the children. This includes parenting responsibilities, parenting time, and child support. As of February 1999, “custody” will not be awarded in cases filed after that time. Instead, the court will “allocate parental responsibilities.” For orders entered before February 1999, “custody” referred to legal custody and physical custody. Legal custody referred to decision-making power for the children. This means that a parent that had “sole” legal custody had final say in all decisions, while parents who shared “joint” custody had to agree on all decisions, primarily those involving education, religion, and medical issues. Physical custody referred to where the child resided. The parent who had the children most of the time was referred to as the “primary residential custodian” and the other parent had “parenting time” (formerly called “visitation”).

For new cases, the court will allocate parental responsibilities; that means the court will assign decision-making responsibilities to the parents similar to “legal custody.” The court can award to one parent sole or joint decision-making responsibility for all areas or customize the order for different areas such as medical decisions. As part of parental responsibilities, the court also will determine “parenting time” for both parents. The parenting time allocation will determine child support. The court’s decision will be based on the “best interests of the child”, which includes all relevant factors, such as the wishes of the child; the relationship of the child and parents; and the ability of the parent to encourage the sharing of love, affection and contact between the child and each parent. The court is not to presume a person is better suited to care for the child because of that person’s sex. A professional evaluation performed by qualified mental health professionals may be ordered by the court in making its allocation decisions. The decision-making and parenting time arrangements should be set out in a “parenting plan” submitted by the parties or the court can create its own plan.

Paternity

The first thing you need to know as an 18-year-old male is that in Colorado, if you have sexual intercourse that results in a child, without exception, you are responsible for supporting that child regardless of the relationship between you and the child’s mother.

Paternity actions have three purposes: (1) to establish the existence of the parent-child relationship; (2) to protect the parent-child relationship; and (3) to determine paternity so that it can be established who has the legal obligation to support the child and have that obligation enforced. An action to establish the paternity of a child may be brought by any interested party including either parent, the child, the child’s legal guardian, the Department of Social Services, or a child support enforcement unit.

An action for paternity may be brought by any person other than the minor child anytime before the child becomes 18 years of age. An action brought by the child may be brought anytime before the child becomes 21 years of age.

A person who has sexual intercourse within the confines of the state of Colorado automatically submits to the jurisdiction of the state for the purposes of a paternity action. The county in which such action should be heard is the county in which the child or the alleged father resides, or in any county in which public assistance is being paid. Personal jurisdiction over the alleged father will be necessary in order for there to be a valid order for child support.

The concept of personal jurisdiction requires that the alleged father must have had sufficient contact with the state of Colorado to allow the state to have the power to order him to pay child support. Normally, sufficient jurisdiction will be found where the child was conceived in the state of Colorado. The minor child must be made a party to the action. A court-ordered guardian, known as a guardian *ad litem*, may be appointed to represent the child's best interests.

After a paternity action has been brought, an informal hearing will be held as soon as practicable if it is determined by the court to be in the child's best interest. At this initial hearing, there will be either an admission or denial of paternity. If paternity is admitted, a subsequent hearing will be held to determine the issues of parental responsibilities, parenting time, and child support. If paternity is denied, the parties and the minor child will be ordered by the court to undergo genetic blood tests to determine the probability of paternity. Neither party may demand a jury trial. A trial would take place before the judge only. After the paternity hearing, the court will issue orders as to paternity of the child, the issuance of a new birth certificate, parental responsibilities, parenting time, and child support.

Child support in a paternity proceeding can be ordered retroactive to the date of the birth of the child. The father of the child also may be ordered to pay all or a portion of any unpaid medical expenses resulting from the pregnancy and birth of the child.

Any orders entered concerning the best interests of the child, such as parental responsibilities, parenting time, and child support, subsequently can be modified or changed.

Adoption

The juvenile court has exclusive jurisdiction over matters relating to adoption and the relinquishment of parental rights. In order for adoption to occur, the child must otherwise be "available" for adoption. The biological parents must either voluntarily consent to the adoption or have their respective parental rights terminated. In order for an adoption to proceed, both biological parents must be provided with notice of any and all proceedings.

The procedures relating either to the adoption or relinquishment process are highly technical. The parties seeking to relinquish their child and/or consent to the adoption must undergo counseling. Generally, an investigation must take place to determine the appropriateness of the adoption.

Domestic Violence

Domestic violence takes many forms. It includes physical violence; emotional abuse; sexual assault; and excessive control over the activities, person, and finances of another. A victim's safety, as well as the safety of the minor children, is of primary importance. Victims can stay with family and friends, and there are also "safe houses" and shelters in most areas to assist victims of domestic violence. Shelters provide additional security and access to resources that cannot normally be found among friends and family.

Several types of protection orders (formally known as "restraining orders"), both temporary and permanent, can be obtained through either the district court or county court if any type of domestic violence has occurred or is occurring. The orders frequently prohibit an individual from making any contact with a complaining party. These protection orders prohibit an

“Violation of a protection order is a criminal act that can result in a large fine or jail or prison . . .”

individual from harassing, molesting, intimidating, threatening, and retaliating against the party who obtained the protection order. The restrained party may be (1) ordered to vacate the home of the victim and may be ordered to stay away from any other location where the victim may be found; (2) ordered to refrain from contacting or communicating, either directly or indirectly, with the victim; and (3) prohibited from possessing or controlling a firearm or other weapon. The court issuing the restraining order has the discretion to order additional protections that may be necessary for the victim.

A victim of domestic violence can receive assistance in completing the forms for a temporary protection order either through the clerk of the court or court volunteers from women's shelters, such as Project Safeguard. The complaint for a protection order must be filed in the county in which the perpetrator resides. The temporary protection order will be issued only after a hearing that indicates that sufficient cause exists for the issuance of the order. The temporary protection order issued must be personally served (normally by the sheriff's department) on the perpetrator. The temporary protection order will provide a date and time for hearing on whether the order should be made permanent. The perpetrator must appear in court on that date and time so as to be provided an opportunity to defend against the temporary protection order. If the perpetrator does not appear, the temporary protection order will be made permanent under the same or different conditions as those set forth in the temporary protection order.

Protection orders often include provisions for the temporary care, custody, and control of the minor children, not to exceed 120 days, pending further hearing on the matter. If additional protection or further orders for the minor children are needed, one of the parties must apply to the district court for further orders.

Violation of a protection order is a criminal act that can result in a large fine or jail or prison, regardless of whether such restraining order was issued in county or district court.

Estate Planning

The term “Estate Planning” refers to how you plan for your assets after death. Everyone who is at least 18 years of age should conduct some sort of estate planning, if only to make matters easier on family and friends when you are no longer here. Now that you are an adult, you might also want to discuss these matters with your parent(s) so that you can be sure they also are prepared. By the time you become a parent, you should be especially concerned with selecting, notifying, and documenting decisions as to who would be guardians for your children. You may also need to plan the best situation for minimizing income taxes, gift taxes, and estate taxes at your death. Other matters addressed during estate planning are wishes for medical care (“advance directives”), potential disability and the orderly transfer of a business or care of pets. A “will” may be the most familiar document in estate planning. Other documents used include trusts, living wills, and medical and financial powers of attorney.

Your Will

A Will allows you to leave your property (which includes money) to persons or charities in specific amounts or percentages, as you wish. It also names guardians for your minor children, trustees for any trust you create, and a personal representative to handle matters in your absence. A Will does require two witnesses, but can be as simple as “at my death, I leave all of my property to my spouse.” Most likely it will be more involved, especially if you have children, a large estate, or are in a second marriage.

Certain categories of property are not included in your Will:

Retirement Plans

Retirement Plans, such as a personal Individual Retirement Account (IRA), and those you receive or participate in through your job (including pension, 401(k) Plans, IRAs, SEPs, Keoghs, Profit Sharing, money purchase plan, and other qualified retirement plans, will require you to complete a Beneficiary Form. This form will determine the beneficiary to receive plan benefits upon your death. Once you are married, your spouse must sign an agreement before you may name anyone other than your spouse as beneficiary. In Colorado, if you do not complete a Beneficiary Form with your plan, the benefit is generally payable to your estate.

Life Insurance

Life insurance benefits also are paid to the beneficiary you name on the life insurance Beneficiary Form.

Joint Tenancy Items

Upon the death of one joint tenant, the law automatically transfers the property to the surviving joint tenant. Joint tenancy items include most checking and savings accounts, your Transfer on Death (“TOD”) brokerage accounts, if any, and your home and other real estate, if titled as joint tenants. (If your home is titled in something other than Joint Tenancy, it would pass under a Will).

Trusts

A trust is a triangle-like relationship. You, as its creator, appoint the trustee, who holds title to the assets and manages them for the benefit of the beneficiary(ies). You name those who will receive your property (called the beneficiary (ies)) and when the trust will end. Colorado has passed a statute that allows you to create an Honorary Pet Trust to set up care for your pet(s) after your death.

Probate

Probate is the name given to the process where, after death, your property is identified, collected, debts and taxes are paid, and your assets are distributed according to your will (or, if you have no will, according to Colorado's laws for "intestate succession"). Probate in Colorado does not have to be complex if you do not have a sizable estate. It is often completed in one year or less. Wills are subject to probate, but the four categories described above are not (and so are called "non-probate property").

Living Trust

You may hear advertisements for setting up a Living Trust. These tend to cyclically become popular and unpopular, or preferred or opposed by various experts. The fact is that there are some distinct advantages and disadvantages to establishing a Living Trust. Should you have any interest in establishing one, be sure you do so only with or under the guidance of a licensed attorney. This is for your own protection.

Other Estate Planning Documents

Living Will

A Living Will states that you do not want to be kept alive by artificial life support systems if you are terminally ill, comatose, and beyond hope of recovery. In Colorado, the law addresses life support (*i.e.*, respirators, heart machines etc.), as well as whether food and water are withheld. A Colorado doctor must follow its instructions.

Medical Power of Attorney/Health Care Proxy

This names another person to act for you in making medical decisions. It is used if you are unable to make decisions for yourself. It can be a simple appointment for a person to make all decisions, or you can customize it by listing each specific procedure to be given or withheld.

Note that certain medical institutions and certain religious institutions also offer assistance with approving or preparing these documents.

Do Not Resuscitate Order/Advanced Medical Directive

While you may be young and healthy, your parents, the elderly or the terminally ill of any age may desire a document or medical bracelet or necklace that directs medical personnel not to give CPR, or not to give it under certain circumstances. Your doctor can provide you, a friend, or family member with the appropriate bracelet or necklace.

Anatomical Gift

There is a provision on the Colorado driver's license to indicate whether you choose to be an organ donor. Additionally, you can designate any part of your body for transplant or research by adding a provision in your Living Will or your Medical Power of Attorney.

Financial Power of Attorney

This is a document used to name another person (your agent) to act on your behalf for legal and financial matters (such as selling your car). By appointing an agent, you can avoid a court procedure to appoint a conservator in the event you become disabled or unable to make your own decisions. You can write the Power of Attorney broadly to cover all acts, or you may specify and limit the acts you authorize.

On The Job

Employment and Benefits

Now that you are 18, it's time to get to work. However, before doing so, you must have a Social Security number. If you do not already have a Social Security number, call the Social Security Administration Office. The national toll free telephone number is (800) 772-1213.

Benefits

When you interview for a job, there are a number of benefits you need to discuss with the employer. It is important to know if your employer carries a health/medical insurance plan and, if so, when coverage begins, especially since you may no longer be covered by your parents' health insurance plan. You need to understand exactly what your employer's insurance plan covers, and when and how to use it once you are covered. If you don't have insurance and you get sick or hurt and are unable to work, you may be faced with huge medical bills. In addition, find out whether your employer provides dental insurance, life insurance, disability insurance, and even a retirement or 401(k) plan. Some of these benefits may be optional, and it is necessary to understand how they work and how much you will be required to pay out of your own pocket. Some employers hand out a manual of benefits and services to new employees. Keep this handy and review any updates you receive.

Contracts

Although a written employment contract is not necessary or common, it is possible that your employer will present one to you. Most employment contracts are verbal, not in writing. An "at will" contract is one that means that an employer can fire an employee at any time without warning and for no reason. Of course, there are exceptions. An employer may not fire or discriminate against someone because of race, sex, color, religion, national origin, physical or mental disability, or age. Many employers have a manual that explains policies and procedures, as well as an "employee handbook," which explains rights and responsibilities. You should ask about each of these and become familiar with them. If there is a problem at work, you should follow any procedures set forth in any manual or handbook you received.

Pay

At the time they are hired, new employees should understand how much they will be getting paid and how often checks are issued. If you disagree with the employer about the amount you are being paid, or if they fail to pay you, the Department of Labor and Employment, Labor Standards Unit, of the state of Colorado can help. In Colorado call (888) 390-7936. This agency ensures that the wage and hour laws are enforced. If you are not paid when you are supposed to be, Colorado law allows you to pursue a wage claim against the employer. If a legal action is necessary and you win, you are also entitled to your attorney's fees.

Discrimination

Job discrimination occurs whenever an employer makes decisions about an employee's hiring, wages, working conditions, promotions, vacations, or other benefits based on the employee's age, sex, race, color, national origin, marital status, physical or mental disability, or religion. Discrimination is illegal. If a job can be performed only by people of a certain sex or by people having certain physical or mental capabilities, it is lawful for an employer to hire any person meeting such job qualifications.

If you believe someone has discriminated against you because of your race, sex, color, religion, national origin, physical or mental ability, or age, you should contact the Colorado Civil Rights Division at (303) 894-2997 or (800) CO CIVIL, or the local Equal Employment Opportunity Commission at (303) 866-1300. You may wish to contact an attorney who deals with employment law and discrimination in the workplace.

Sexual Harassment

It is against the law to "sexually harass" another person. Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, verbal or physical contact of a sexual nature that interferes with the person's performance on the job, or sexual conduct that creates an intimidating, hostile or offensive working environment. It is illegal for an employer to refuse to hire or

"Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, verbal or physical contact of a sexual nature . . ."

promote someone for refusing to submit to sexual advances. It is also illegal to fire someone for refusing to submit to sexual advances. A "hostile working environment" is difficult to define. It may be created by sexual jokes, sexual photos, or other behavior that makes the person feel uncomfortable. It is usually a pattern of behavior, but it also may involve a single offensive incident.

Sexual harassment also can occur at high schools and colleges. Most schools have specific sexual harassment policies and complaint procedures. If you believe your rights have been violated under these standards, your first step is to see if your employer or school has a sexual harassment policy, and then follow its procedures. If this fails to lead to immediate satisfactory results, contact an attorney to advise you of your rights.

Unemployment Compensation

Consider this: You've worked for a company for a while and suddenly your job is eliminated or you are terminated or "laid off." You have the right to apply for unemployment benefits when you are out of work. Unemployment benefits typically do not equal what you were previously making, which is an incentive for you immediately to look for work again. In Colorado, to collect unemployment benefits you must be partially or fully unemployed, registered for work at an unemployment or job service office, make a claim for benefits, be able and available to work, and be actively looking for work. You may be eligible if you were fired for reasons not relat-

ed to your job, were unable to do the job, left a job due to illness and were not eligible for rehire, or were laid-off. You have a right to appeal any decision concerning your eligibility. You must report your job search efforts while receiving benefits. Be prepared to provide names of companies and people you've applied to work for and interviewed with. You also must report all temporary or part-time work and wages earned. In Colorado, you may receive up to twenty-six weeks of benefits. For more information, call (800) 388-5515, or in the Denver metro area, call (303) 318-9000.

Workers' Compensation

If you are injured on the job, you may be entitled to workers' compensation benefits. All employers are required to carry insurance or be self-insured. Your employer's insurance pays for reasonable and necessary medical benefits to cure and relieve the effects of your job-related injury. This includes medical/doctor bills, prescription medicines, supplies prescribed by your physician, and mileage to and from your medical appointments. You may receive two-thirds of your average weekly wage (up to a maximum of 91% of the state average weekly wage) if you are off work for more than three days under physician orders. This must be paid at least every two weeks. You also may receive temporary partial disability benefits when you are able to return to work only on a part-time basis or are earning less than your date-of-injury wage (two-thirds of the difference between current earnings and average weekly wage), permanent partial disability benefits when full recovery from the injury is not possible, permanent total disability benefits when you are unable to earn any wages in the same or other employment, and disfigurement benefits for any scarring that resulted from the injury or surgeries subsequent to the injury.

When you are injured on the job, you must report the injury in writing to your employer within four days of the injury, or you may lose benefits. You should seek medical care as soon as possible. In Colorado, your employer has the right to select the physician who will examine you. If the employer makes no selection, the employee has a right to select the doctor. If the employer fails or refuses to file an Employer's First Report of Injury, you must file a Worker's Claim for Compensation with the Division of Workers' Compensation, (303) 318-8700, within two years of the injury. Consult with an attorney familiar with worker's compensation law before you sign anything or attempt to bring any action against the employer as a result of an on-the-job injury.

You're Under Arrest



Police Stops

Now that you are 18, juvenile law no longer applies to you. Therefore, the stakes are much higher. If you get in trouble with the law, you need to be better informed about your rights.

When can a police officer stop an individual? There are three types of encounters with police: (1) a consensual stop, where a police officer can ask some general questions; (2) an investigatory stop, where a police officer has a reasonable suspicion that a crime has been committed, is being committed, or is about to be committed; and (3) an arrest, where a police officer has probable cause to believe a crime was committed and the person who has been arrested committed the crime. Regardless of the reason that the police have stopped you, treat the officer with respect.

Does a police officer have the right to stop an individual to ask general questions if the officer does not suspect criminal activity? Yes, a police officer may stop a person and ask for that person's name, address, telephone number, and what that person is doing, even if there is no suspicion of criminal activity.

What if a police officer stops you to ask more specific questions about the possibility of criminal activity and your part in it; must you stay and answer those questions? Unless you are in custody, you are free to leave. Ask the police officer if you are being placed in police custody, if you are being held or placed under arrest, or if you are free to leave. If you are not being held, you do not need to stay and answer questions. You may stay and answer questions if you like; however, anything you say will be on record and may be used against you in court. If you are in custody, the police must give you a "*Miranda* warning" to advise you of your rights.

Search Warrants

Generally, a police officer must have a search warrant before searching a particular person or place. A search warrant is an order issued by a judge, based on sworn testimony, which establishes probable cause.

However, there are some instances when a police officer does not need a search warrant:

- When you are lawfully arrested, police officers may search you and the area immediately surrounding you, including the interior of your car and trunk.
- Police officers may search you or your property without a search warrant if you consent to the search.

“If stopped by the police, you are under no obligation to consent to a search, even if you are being pressured to consent.”

- Police officers may pat down your outer clothing or search certain parts of your car if they have a reasonable belief that you are armed.
- Police officers sometimes may search without a search warrant when there is not enough time to get a judge’s approval because of emergency circumstances or because evidence may be removed or destroyed.

If stopped by the police, you are under no obligation to consent to a search, even if you are being pressured to consent. If you do not consent to a search, do not interfere with whatever search may take place. Ask the police officer to note it for the record that you do not consent. If you voluntarily consent to a search, anything the police finds can be used as evidence against you.

Arrests

Do not ever struggle with the police if you are arrested. Do not fight, swear, or argue even if you think the arresting officers are making a mistake. Resisting arrest and assaulting a police officer are separate crimes, which can be charged and proven, even if it turns out you were arrested in error. You will help yourself more by remembering the details of the arrest, including the officers’ names and statements, and informing your attorney of those details.

Tell the police your name, address, and phone number. You may answer questions and discuss your situation with them if you like; however, anything you say may be entered as part of the record and may be used against you in court. Police officers cannot use threats to force you to answer questions and cannot bargain leniency in exchange for your statement. You have a right to call an attorney or a trusted family member for advice.

If you are under arrest or are in the presence of the police and not free to leave, the police must read to you what are known as your “Miranda rights” before they can question you. These are:

- the right to remain silent;
- that anything you say can and will be used against you in a court of law
- the right to have an attorney represent you
- the right to have an attorney present before any questioning
- the right to have an attorney provided for you, if you cannot afford to provide your own.

Crimes

Crimes are divided into two categories: felonies and misdemeanors.

Felonies committed after July 1, 1993, have penalties that may include a state prison sentence of one year and one year probation, up to a sentence of death, and/or a fine of up to \$1 million dollars.

There are three classes of misdemeanors in Colorado. Class 1 misdemeanors are more serious, carrying a possible maximum jail sentence of eighteen months or a fine of up to \$5,000, or both. Class 2 misdemeanors carry a possible maximum jail sentence of up to twelve months or \$1,000, or both. Class 3 misdemeanors carry a possible maximum six-month jail sentence or fine of up to \$750, or both. Jail sentences for misdemeanors are served in non-state correctional institutions unless served concurrently with a term for conviction of a felony.

If you are arrested, you can expect to be thoroughly searched, handcuffed, and taken to the police station.

You must be taken before a judge or magistrate without “unnecessary delay” after being arrested. In most cases, this will be done within twenty-four hours, but the delay may be longer on weekends or holidays. This appearance is called an “arraignment.”

At the arraignment, you appear in court and are formally charged with a crime. You must plead guilty or not guilty. The arraignment is a very important step. If you plead guilty, you will be sentenced. If you plead not guilty, a trial will be scheduled where the prosecution must prove your guilt beyond a reasonable doubt. You should fully understand the charges and your rights before pleading. Do not hesitate to ask the judge to explain the proceedings. You may want to consult an attorney at this point if you have not already done so.

In most cases, you will be released on bail after arrest. At the bail hearing, the judge will set an amount of money to be paid to the court. This money “guarantees” your appearance at all hearings and the trial. The judge may impose other conditions on your bail, such as placing restrictions on travel out of state.

Before trial, you and your attorney gather evidence to present to the court. At trial, evidence will be presented to the judge or jury, who will weigh the evidence, apply the law, and decide if you are guilty or not guilty. If you are found not guilty, the case is ended and all charges against you are dropped. If you are found guilty, the judge imposes a sentence, which may include imprisonment, a fine, probation, community service or restitution to the victim. A guilty verdict may be appealed if it is believed to be erroneous.

Legal Representation

You can find an attorney by looking in the yellow pages of the telephone book, in the Legal Directory published by McGraw-Hill, or you can ask friends or family to recommend an attorney. Some attorneys offer a free consultation. Remember, if you meet with an attorney and do not wish to hire that attorney, you can always call another attorney. If you later choose not to hire the attorney with whom you had met and discussed your case, that attorney cannot disclose whatever you may have said without your permission.

If you cannot afford an attorney, the court will appoint one for you. If you do not qualify for a court-appointed attorney, there are agencies and programs to help you. You may contact the Colorado Legal Services, the Student Law Office at the University of Denver College of Law, or the University of Colorado School of Law. For a direct referral to a lawyer in the Colorado Front Range area, call the Metropolitan Lawyer Referral Service at (303) 831-8000.

On the Road (Motor Vehicles)

Buying a Car and Repair Work

Under Colorado law, an 18-year-old can enter into contracts. That means you need to be careful before you buy or lease any vehicle or bring it in for repair.

Check the reputation of the dealer or shop that you are considering. Be particularly careful if you're considering a private sale from a friend or through a newspaper ad. Be sure the seller has the original proof of ownership—the “title”—to the vehicle.

Get information from both friends and adults who have done business with the seller or service provider. Another good resource to check is the Better Business Bureau or the Internet regarding the reputation of the seller or service provider. Do not sign or agree orally to purchase a vehicle or to leave your car for repair until you have received a signed written estimate of the costs from the seller/repairer.

When buying or leasing a vehicle, do not sign anything on the first visit. Take your time. If the salesperson pressures you, just walk out. Most likely they will take your business, if you decide to come back, and if not, you probably don't want to do business with them anyway. Get an inspection or second opinion by a competent mechanic before you sign anything for a used vehicle.

Be sure to check the “blue book” [or “gold book”] value of the vehicle against the price you are asked to pay. All dealers have these books (as do banks and credit unions and the Internet) and the salesman should be happy to copy the blue book sections on the vehicle for you before you agree to buy or lease. If they do not want to, consider taking your business elsewhere.

Colorado does have a “lemon law” for new vehicles with problems that just can't seem to be fixed. The law requires the buyer to allow the dealer to repair or replace the vehicle before the deal can be undone. If you think you may be entitled to relief under the lemon law, you should consult an attorney for some basic advice on how to proceed to protect your rights.

The Colorado Point System

Under Colorado law, an 18-year-old is a “provisional” driver until age 21. If a provisional driver gets 9 points in twelve months, or 12 points in any twenty-four month period, or 14 points during the period of the provisional license (age 18-21), his or her license will be suspended. The number of points depends on the seriousness of the violation. For example, a simple speeding conviction for driving ten to nineteen miles over the limit is usually 4 points; whereas a DUI—driving while under the influence—is 12 points, and results in automatic suspension of the license.

Automobile Insurance

As you probably know by now, automobile insurance is mandatory under Colorado law. Do not, under any circumstances, drive without it. The operation of any motor vehicle, even a motor scooter, on any public street without proof of the minimum mandatory insurance is a crime under Colorado law. Lack of proof of insurance is punishable by fines and points assessed against your driver's license.

Generally, the law requires that you carry minimum liability and uninsured motorist coverage. Check with the agents of several insurance companies for quotes on their coverage. Compare the prices and coverages as they may vary widely, particularly for young drivers. Do not assume that someone else's insurance will cover

you if you drive their vehicle. Be sure to have proof of current insurance before you drive any vehicle.

Automobile Registration

Colorado law requires that all vehicles operated within the state for more than thirty consecutive days must be registered with the Colorado Department of Motor Vehicles. Failure to do so can result in a citation, fines, and the addition of points to your driving record. Each county has one or more offices for registration that can be found in the telephone directory in the state government section. Your rear license plate should have a sticker showing the date of expiration of the registration. A thirty-day grace period is allowed after the last day of the month shown on your plates to re-license your vehicle.

Mechanic's Liens (or "When can the mechanic keep my car?")

If you leave your car for service and you do not pay your bill on time, the mechanic can assert a "lien" and keep your vehicle until you pay the bill, plus reasonable storage fees. And the mechanic can "reassert" a lien by picking up your vehicle from a public place with a tow truck if your payment is returned for insufficient funds. Be sure to get a written estimate for the repairs before you leave your vehicle, and do not authorize additional work without another written estimate. Mechanic's Liens also apply to real property.

Accidents

If you are in an accident, immediately check to make sure that you and the others involved are not hurt, and then call the police. If there is even the slightest injury, call an ambulance or 911. Then call your insurance agent and report the accident. Do not make any statements admitting responsibility to other drivers that are involved. While accidents sometimes appear to be one party's fault, they may, in fact, be another's fault. Statements made immediately after an accident may come back to haunt you later if there is lawsuit. It is in your best interests to truthfully answer questions from the police. Many insurance companies recommend that you carry a disposable camera in your car to document any damage on site. You should also make sure to get the driver's license number, the automobile's license number, and the make, model, and color of the other car involved.

Driving while Under the Influence of Drugs, Alcohol or Intoxicated

You already know by now that driving under the influence of drugs or alcohol is a very serious criminal offense. If you drink or do drugs and drive, you will lose your license and go to jail and be required to do community service, including alcohol classes, and probably spend more than \$5,000 in fines, costs, and court fees. Your insurance rates will also skyrocket.

If you are stopped by the police and you refuse to be tested for drug or alcohol content, your license may be suspended, and you will likely spend at least one night in jail. If you are asked an incriminating question like, "Have you been drinking," you may want to simply say, "I refuse to answer." Then, ask to talk to an attorney. Do not admit to drinking anything, but never lie to the police.

Driving with a BAC (blood alcohol count) of only .02 (about one beer or less) is a misdemeanor for any person under 21 years of age. If you are charged with any alcohol-related offense, you should consult a lawyer.

At The Store

Consumer Credit and Protection

Purchase of goods and services with a credit card is a part of modern life. As you may know, credit is easy to get. You may be required to have your mom or dad “co-sign” with you on your first application. The important thing to remember is that the way you use the credit you get will have a lasting impact on your credit record in the future, as well as your ability to get additional credit. A bad credit incident can keep you from getting that new car loan or even getting a loan on your first home.

A “security interest” is placed on every purchase made with a credit card. A security interest works like this: If you buy a television or stereo with a store credit card, the company who loans you the money to pay for the item, through the use of the credit card, retains the right to take the item back if you fail to pay the bill for the credit card purchase. Also, the company can charge interest on the unpaid portion of the bill. Be aware that if they do take the item back and don’t sell it for the full amount, the company can come after you to pay the rest of the bill.

Sometimes products or services purchased with a credit card may cost more or be assessed service charges above the original cost. For example, gasoline purchased with a credit card may cost more than gasoline paid with cash or by check.

The Colorado Consumer Protection Act and the Federal Unfair Trade Practices Act prohibit the use of any unfair or deceptive act, practice, or any unfair method of competition in trade or commerce within the state of Colorado. Just a few of the practices that are prohibited under the law are:

- misrepresenting the value of goods and services being purchased
- misrepresenting goods as new or original, when the seller knows they are used, altered, or reconditioned
- falsely advertising goods, services, or property without intention to sell them as advertised
- advertising more items or different items than what are actually available
- making false or misleading statements concerning the price of goods and services
- attempting to sell by telephone or in person without identifying within thirty seconds the company being represented.

This list does not include all the actions prohibited under the law. If you feel a merchant has cheated you, first complain to the merchant. If the merchant does not satisfy your concerns, you may want to contact an attorney, the Colorado Attorney General’s Office (Consumer Protection Division), or the Consumer Fraud Division of your District Attorney’s Office for guidance. You may want to file a claim in Small Claims Court (more about this below). If you feel you have been unfairly dealt with, the worst thing to do is nothing. The law limits the time you have to complain about your treatment. Registering a complaint after a lengthy time makes it much harder to prove the facts. Additionally, registering a complaint to the Better Business Bureau (“BBB”) may help others avoid similar problems. But just registering your complaint with the BBB will not get your money back or solve your problems, because the BBB has no legal authority to take any action.

Let's use an example: You purchase a new CD player on credit, and it quits working after three days. Neither you nor any of your friends or family did anything to the player to make it quit working. In this case, the store may or may not be guilty of violating one of the above "deceptive trade practices." If you return the item to the store, they should repair or replace it, if you have your receipt of purchase. If the store refuses to repair or replace the unit, you should make a formal written demand for either repair or replacement. Use certified mail with a return receipt to show that your written demand notice was received by the store (and keep a copy of the letter for your records).

If the store ignores your request or responds to the request by refusing to repair the item, you can go to Small Claims Court, (as long as the cost of the item or repair cost does not exceed \$7,500), and have the court rescind the agreement or make the store pay for repairs to the unit, plus pay your costs to go to court.

Do not just stop payments on the unit. This will create more problems, as the store will claim that you are in default on your obligations and may sue you for the price of the item plus attorney fees and costs. Remember, stores sometimes get treated unfairly, and the court will listen to evidence presented by both sides before trying to make a fair decision.

That is why it is important to realize that if you go to Small Claims Court, no matter whether you are the plaintiff or the defendant, you must be prepared to prove your case. Although the rules are simplified, you can't leave your evidence at home, and you can't tell the judge what other people would say if they were there; you need to present your evidence then, and your witnesses need to be there to say their own testimony. You must present your evidence and witness testimony in a concise, logical order for the judge or magistrate to understand your position. Too many people go to small claims court without preparing their cases, and the judge or magistrate is not allowed to guess. If you don't present your side, the court will have only half the evidence on which to decide, or will determine that because you did not present evidence you are admitting liability or accepting the other side's position.

Discrimination

Merchants or lenders may not deny you credit on the basis of your race, marital status, gender, religion, nation of origin (or nationality), or age, as long as you are 18 or older.

The lender must tell you in writing if your application for a loan was accepted or denied. If it was denied, the lender also must explain why it was denied. If they don't, you should request an explanation. The lender must respond to your request. This allows you to identify any mistakes or correct inaccurate information that the credit reporting agencies may have about you, so that similar errors will not recur in the future. However, just because you find errors and get them corrected does not mean you automatically will get the loan. Once a lender has chosen not to lend, even if the reason was based on an error in your credit report, the chances of that lender granting you credit are not very good.

If you are 18, it may appear that you are being denied credit because of your age. Often, it is because you have little or no credit history. A merchant or lender can deny credit on the basis of insufficient credit history. Denial based on lack of credit history is a valid reason under the law. This is the most common reason young

people are denied credit. The only way you can change that is to take the time and expend the effort to develop a good credit history. It will not happen over night. It also is important to realize that you can destroy your efforts to develop good credit very easily, simply by not paying a bill on time.

There are various ways you can develop a good credit history. Talk to your bank and see if they will provide you a credit card with a limited credit line based on savings you place in the bank. For example, if you keep \$500 dollars in a savings account, a bank may allow a credit limit of \$500 on a credit card. The savings cannot be withdrawn as long as the credit card is valid, but it does help to develop a credit/payment history. Telephone companies and other utilities will set up an account for you, but may require a deposit. As long as you pay your account, either at the bank against the credit card or with the telephone company, you begin to establish good credit history.

High Pressure Sales at Your Home

Door-to-door salespersons have a knack of ringing your doorbell at very inconvenient hours. These sales people are trying to get you to buy products that may or may not be a good buy. If you get “talked into” buying the product on credit, and if it is primarily for personal, family, or household use, you have the right to rescind the sale until midnight of the third business day after the day on which you signed any such credit agreement. The salesperson must notify you of your right to cancel the agreement or the right does not expire until after the notice is given and three days have past. There are exceptions. You can’t cancel and refuse to pay for work that has already been done; or you can’t consume the goods (a case of chocolate chip cookies) and then cancel the agreement on the basis of the three-day period or lack of notice. The three-day period applies only to sales at your home that you did not invite. In other words, you can’t invite a company to send a representative and then claim a three-day right to rescind any contract that you might sign while the representative is there. The three-day period also does not apply to business property or goods, even if you buy it at your home.

Collection Practices

If you don’t pay the credit card bill when it comes due, the company can take back the property. This is called repossessing the “collateral.” A debt collector cannot use force to collect the property, or use any unlawful action, such as breaking into your home or garage. You have to be given the opportunity to pay the debt, plus costs, before the item can be sold. If you do pay, you can get the property back. This is called “redeeming” the property.

If the creditor sells the property to pay the bill, the creditor must sell the property for the best possible price available under the circumstances. This usually means that the item is sold at auction. If it sells for enough to pay the complete bill, and if it is sold for more than is owed (this includes the costs of selling it and attorney fees in most cases), you get the excess. However, it often sells for much less than what is owed. In this case, you still owe the balance. That balance also includes the expenses the company incurred, including attorney fees in most cases.

Resources

The following resources are provided for your use. The list is not all-inclusive. These resources have been updated, but we recommend verifying the phone numbers before calling the agency. The resources, with the exception on the first section of “General Resources,” are collected and presented in section order, *i.e.*, in order of the sections of the booklet. Remember, many of the titles listed below are available in your local library.

General Resources

Attorneys (How to find a lawyer):

Metro Lawyer Referral Services: (fees apply)

(303) 831-8000—Denver County

(719) 636-1532—El Paso County

(970) 226-2455—Larimer County

Martindale-Hubbell: www.martindale.com

Metro Volunteer Lawyers: (303) 830-8210

Colorado Legal Services: (303) 837-1313 or www.coloradolegalservices.org

Public Defender:

Consult the blue pages of the phone book for the county where you live.

University of Colorado Legal Aid and Defender Program: (303) 492-8126

Colorado Bar Association: www.cobar.org—Find a Lawyer

Yellow Pages:

Look under “Attorneys”; frequently listed alphabetically and by practice area.

STDS/AIDS Hotline: (800) 342-2437 or (800) 344-7432—Spanish

American Civil Liberties Union: (303) 777-5482

Bankruptcy Court: (720) 904-7300

Birth/Death Certificates: Health & Environment—Vital Records

Consult the blue pages of the phone book for the county where you live.

Bradford Publishing—Legal Forms: (303) 292-2595

Colorado Division of Civil Rights: (303) 894-2997

Colorado Judicial Branch, Office of Dispute Resolution: (303) 837-3672

Colorado Medical Society—Grievance Review Committee: (720) 859-1001

Colorado State Attorney General: (303) 866-4500

Colorado State Government: (303) 866-5000

Commission on Judicial Discipline:

(303) 894-2110—to file a complaint against a judge.

County Court:

Consult the blue pages of the phone book for the county where you live.

Denver Center for Crime Victims:

(303) 894-8000—General Hotline or (303) 860-9555—TTY/TDD

District Court:

Consult the blue pages of the phone book for the county where you live.

Federal Job Information: (703) 724-1850 or www.usajobs.opm.gov

Consult the blue pages of the phone book under “State” for the county where you live.

Food Stamps:

Consult the blue pages of the phone book for the county where you live.

Lawline 9: Wednesdays, 4:15 – 6:30 p.m. (303) 698-0999

Libraries: Look under “Libraries” in the yellow pages of your phone book.

Passports: (800) 688-9889 or www.state.gov

Student Loans (information/applications): (800) 433-3243

Supreme Court Office of Attorney Regulation Counsel:

To file a complaint against an attorney, or to see if an attorney is registered to practice law in the state, call 303-866-6400, or (877) 888-1370

Citizenship

Election Commission:

Consult the blue pages of the phone book for the county where you live.

Department of Revenue:

(303) 205-8411

Immigration & Naturalization:

(800) 375-5283 or (800) 767-1833—TYY or www.ins.usdoj.gov

Other related websites:

www.uscis.gov/graphics/

www.us-immigration.com/

www.immigration.gov/

www.state.co.us/

www.lifeandliberty.gov/

www.aclu.org/SafeandFree/

www.loc.gov/global/state/co-gov.html

Internal Revenue Service:

(800) 829-4477 (24-hour recorded help) or www.irs.ustreas.gov

Jury Commissioner:

Consult the blue pages for the county where you live.

Social Security Administration:

(800) 772-1213 or www.ssa.gov

Selective Service:

(847) 688-6888—general information or www.sss.gov

Forms are available at the post office.

Where You Live

Bradford Publishing:

(303) 292-2595—*Landlord and Tenant Guide to Colorado Evictions*

Housing Authority:

Consult the blue pages in the phone book for the county where you live.

Community Housing Services:

(303) 831-1935—Landlord/Tenant or (303) 831-1966—Housing Referral

Housing Information and Referral Service:

(303) 831-1935—*Know Your Rights: The Colorado Guide for Tenants and Landlords*

Family Law

Clerk and Recorder:

Call the clerk and recorder in the county in which you wish to be married.

Department of Social Services:

Consult the blue pages in the phone book for the county where you live.

Domestic Violence Hotline: (800) 799-7233

Juvenile Court:

Consult the blue pages in the phone book for the county where you live.

Project Safeguard (Denver): (303) 863-7233
Safehouse Denver: (303) 318-9989—Crisis Line

Estate Planning

Probate Court:

Consult the blue pages in the phone book for the county where you live.

On The Job

Colorado Division of Civil Rights: (303) 894-2997

Department of Labor & Employment: (303) 620-4700 or (888) 390-7936

Labor Standards Unit: (303) 318-8441 or (719) 576-0447 or (888) 390-7936

Unemployment Insurance Benefits: (303) 318-9000 or (800) 388-5515

Workers' Compensation: (303) 575-8700

Equal Employment Opportunity Commission: (303) 866-1300

Social Security Administration: (800) 772-1213

You're Under Arrest

Contact an attorney to assist with legal representation.

Contact a relative or someone you know who can assist you with finding legal representation and/or the bond process.

On The Road

Auto Safety Hotline:

(800) 424-9393—Information on child safety seats, motorcycle helmets, etc.

Better Business Bureau: (303) 758-2100

Department of Motor Vehicles:

Consult the blue pages in the phone book for the county where you live.

Insurance Division—Consumer Affairs: (303) 894-7490—Complaints/Inquiries

At The Store

Consumer Credit Counseling: (303) 632-2100 or (800) 224-9885

Federal Trade Commission:

www.ftc.gov

Office of the Attorney General—Consumer Line: (303) 866-5189 or (800) 332-2071

Office of the District Attorney—Consumer Fraud Division:

Consult the blue pages in the phone book for the county where you live.

The topics and areas mentioned in this booklet provide you with a guide to your rights and responsibilities and are not exhaustive of any subject nor a substitute for more detailed analysis of your rights and responsibilities. If more information is needed, an attorney should be consulted. Please refer to the “Resources” section of this booklet for information on how to find an attorney.

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This public information project was made possible by the contributions of many attorney volunteers of the Colorado Bar Association, its Public Legal Education Committee, and the Colorado Bar Association Board of Governors, who budgeted printing costs for this booklet.