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**YOUTH RIGHTS AND
RESPONSIBILITIES HANDBOOK**

INTRODUCTION

The Iowa Juvenile Justice Advisory Council (JJAC) is happy to present to the young people of Iowa this Youth Rights and Responsibilities Handbook. This handbook was initiated by a group of teenagers, The Story County Committee for Youth Justice, in an effort to educate their fellow students in and around Ames. This same group of youth more recently worked to revise the handbook for distribution to young people throughout the state.

This youth-oriented project is one of many such efforts supported by the Governor's appointed J.J.A.C. — a group of Iowa citizens dedicated to helping youth and improving the state juvenile justice system. Since 1975, the J.J.A.C. has worked to promote public awareness on youth and the justice system. Active support for the International Year of the Child, statewide juvenile justice planning and priority setting, active support for the recent changes in Iowa's juvenile code coupled with training sessions throughout the state to help make the new law work, and support for numerous youth programs designed to serve as alternatives to jails and institutions, are some examples of J.J.A.C. efforts.

The J.J.A.C. welcomes the chance to make the information in this handbook available and hopes it will be helpful in your day-to-day life and activities. This handbook was put together by young people for young people. Those who spent the hours necessary to prepare this information are to be commended for their desire to inform themselves and others about youth rights and responsibilities under the Iowa Code and the U.S. Constitution.

This handbook is designed to provide you with general information regarding your rights and the effect and operation of the law upon you as a minor. It is not intended to be legal advice. Should you find yourself in a situation with a specific legal problem, you should obtain competent legal advice from an attorney.



FORWARD

We, the Story County Committee for Youth Justice, polled fellow students to determine the most frequently asked questions concerning their rights. We completed all the research which went into this booklet and are solely responsible for its content.

Many people and organizations have contributed to this project. Most noteworthy, our sponsor, Youth and Shelter Services, Inc. of Ames, has given us a place to meet, guidance and encouragement. John McKinney, our chairperson, has been a driving force behind all our efforts in the last three years. Photo reenactments were provided by students of the Media Arts Workshop in Ames.

The Committee for Youth Justice hopes that this handbook will inspire groups of young people to organize in other communities around Iowa. Knowing our rights and responsibilities is not enough. We should be organizing ourselves to participate in decision-making areas which affect our lives. Through confidence in our society and in ourselves, we will enable ourselves to have more control over our own lives.

As a group, we as young people are often viewed as a speechless class whose needs are articulated by others. We need to recognize that no political platform or group exists anywhere which speaks to our own basic desire. Therefore, by participating on community councils, commissions, boards, etc., we can advocate for our own interests. To participate, we must organize.

The Committee for Youth Justice hopes that you will join us in our attempts to put together the truth about what is needed to improve our present situation and to lay out changes that must be made. We want an end to ageism and adult chauvinism. We believe ideas should be judged on their merit and people on their wisdom or kindness. Older age in itself is not an indication of knowledge or good judgment.

In our quest to help each other to organize, we encourage you to write us at the address below. We can share with one another our efforts to explore responsible and creative youth rights projects and to partake in the life of our community's decision-making process.

Sincerely,

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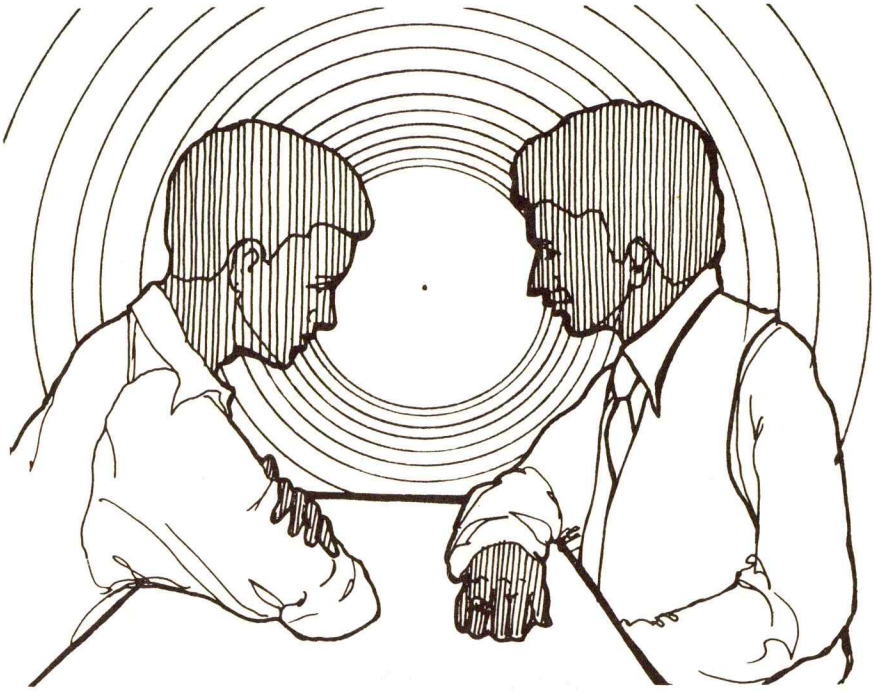
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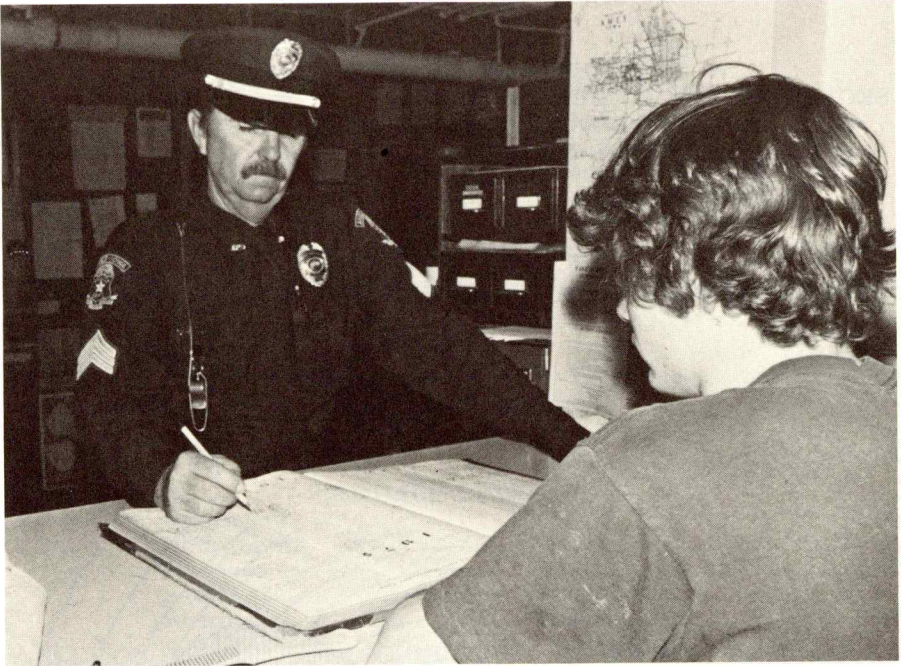


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POLICE ENCOUNTERS

on the street . . .

WHAT ARE MY RESPONSIBILITIES WHEN STOPPED ON THE STREET BY POLICE?

The law states that you must give the officer your name and address; showing an I.D. such as a driver's license is a good idea, though legally it's not required.

CAN THE POLICE FRISK ME?

Yes. To search for weapons an officer may frisk you. Usually the policeman will have you lean up against a wall or car and pat your body searching for weapons. A weapon-like object can be anything from a pencil to a gun, depending on the officer doing the frisk.

CAN AN OFFICER SEARCH ME?

Yes, if he/she has a probable cause or a search warrant. If the police have a warrant it must list the specific area to be searched and what is being searched for. It must also be signed by a judge to be valid. If the police have probable cause, that is, reason to believe that a crime is being committed or you have committed a crime, they may also search you.

WHAT CAN I DO TO MINIMIZE FRICTION BETWEEN MYSELF AND THE POLICE?

Behaviorally, your attitude will probably make a large difference. In a pamphlet on "Rights and Realities" prepared by the Committee on Criminal Justice and the American Friends Service Committee, these behavioral points were given:

"Politeness and courtesy can go a long way to make a policeman feel at ease and treat you better than if you are mad at him. The following actions, especially, cause a policeman to become irritated:

- (a) Being a smart alec. Sarcastic comments, verbal insults, and smarting off to a policeman may make him want to bust you. Do not heat what could be a tense situation.
- (b) Acting like a lawyer. Demanding that an officer read you your rights before arrest will only irritate him.
- (c) Physical assault. This is the quickest and roughest way to earn yourself a trip to jail. You gain nothing and lose everything.

Never use obscenities in your conversation with police (even casually). You can be charged with using 'obscene language in public'. You can easily turn a harmless situation into one where you are arrested.

Find out if you are under arrest. You do not have to talk or answer questions; you probably should wait to talk to a lawyer or your parents.

at home . . .

WHAT SHOULD I DO IF THE POLICE COME TO MY HOME?

If the police do not have a warrant, they may not enter your residence without obtaining your permission unless they're after a suspected felon.

If the police have a search warrant, as with any search warrant, they have a right to search for the objects described in the warrant. The warrant is always subject to challenge.

Make sure you get a receipt for the items seized by the police.

CAN MY LANDLORD OR MANAGER GIVE THE POLICE PERMISSION TO SEARCH MY HOME?

No. This also holds true for dormitories.

CAN A ROOMMATE GIVE THE POLICE PERMISSION TO SEARCH MY ROOM?

No, unless you share the room with a roommate. Areas that are private to you cannot be searched with a roommate's permission.

SHOULD YOU GIVE PERMISSION TO THE POLICE TO SEARCH YOUR PREMISES WITHOUT A WARRANT?

You have a right to refuse unless the officer has permission from a Judge in the form of a Search Warrant.

Find out what they are looking for. Then if you have some doubt, request that they get a search warrant. Generally, police will not ask, but will already have a warrant. **Any** contraband item found in the course of a lawful search may be seized by the police even if the search is being conducted for another purpose.

in your car . . .

WHAT ARE MY RIGHTS IF STOPPED FOR DRIVING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL?

The officer must determine probable cause to have you take an alcohol test. Erratic driving or coordination tests are the usual methods for determining this. Having probable cause the police may ask you to take an alcohol test. Usually they will ask you to take a breath test. You may refuse this but then you must take one of the other tests or have your driver's license suspended for a period of time.

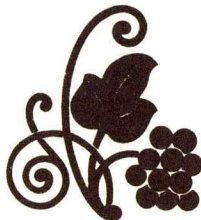
WHAT IF I AM PULLED OVER ON A TRAFFIC CHARGE?

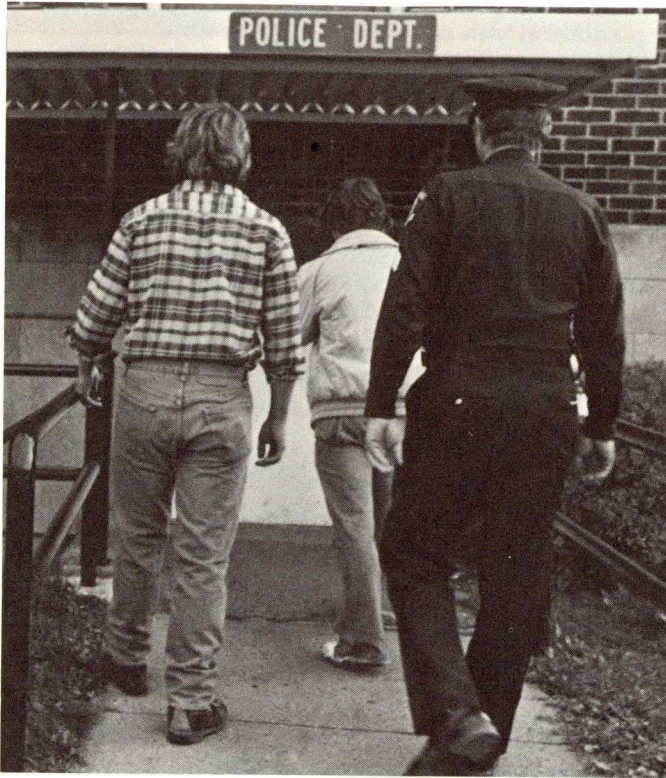
If you are just pulled over on a traffic charge, you might be given a citation to appear in court. You should sign this. It is not an admission of guilt, only a promise that you will appear in court at a certain time and place. If you refuse to sign, you may be taken to jail.

IF THE POLICE PULL ME OVER, CAN THEY SEARCH MY CAR?

Yes, if they have probable cause or a search warrant. If they have a warrant, be sure the warrant is for your car. For probable cause, the officer must see evidence indicating a crime has been committed in plain view, is acting on a tip, or say, smells marijuana smoke. An officer can also search your car if he has just arrested you for a crime including traffic violations.

If the officer does not have probable cause but suspects something illegal, he/she will ask to search your car. You may refuse.





if you're arrested ...

**LET'S HOPE IT NEVER HAPPENS,
BUT SAY I AM ARRESTED, WHAT HAPPENS?**

Find out what you are charged with. The police must tell you what you are arrested for.

If you are arrested for a simple misdemeanor, a policeman does not have to inform you of your Miranda rights. You still have them however. A policeman is supposed to give them if you are arrested for an indictable misdemeanor or a felony. You must go with a police officer when you are under arrest. You will be taken to the police station or the sheriff's office depending on which agency is responsible for your arrest.

If you resist orally or physically, it may result in another charge against you. You have the right not to talk to anyone and not sign anything until you see a lawyer.

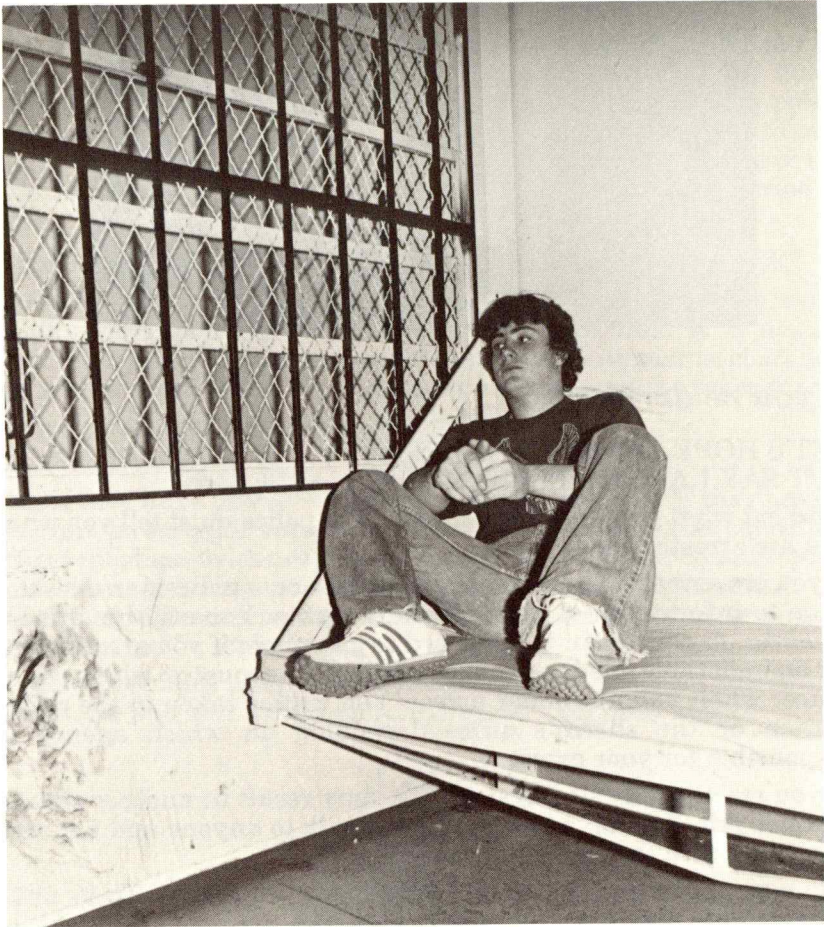
You may not be questioned by the police or probation officers until your parents sign a written waiver.

If you have started to talk with the police and think that it would be best to stop talking, you may do so at any time.

Anything you tell the police can be used against you. If there are problems at home that you want to discuss with a police or probation officer, they may be able to help.

Usually either a police juvenile officer or juvenile probation officer will be called in to handle the matter. They usually call your parents and you may be released to them under most circumstances.

If they feel that your parents cannot adequately supervise you, you cannot be trusted, or you are a repeat offender, you may be placed in jail, detention, or shelter care. There are specific time limitations and hearings must be held on a regular basis if you remain in jail detention or shelter care against your will. (See Section IX — Juvenile Court.)



FAMILY RELATIONS

you and your parents . . .

CAN MY PARENTS BE HELD RESPONSIBLE FOR MY ACTIONS IF I CAUSE DAMAGE OR BREAK THE LAW?

Yes. Young people the age of seven and older are believed to be able to have a criminal intent when they cause property damage. This is especially true if it can be shown that you knew the act was illegal or when you can understand that what you were doing was wrong.

In this case, parents can be held financially liable for wrongful acts of their child.

WHAT RIGHT DO I HAVE TO SPEND MY OWN MONEY WITHOUT CONSULTING MY PARENTS?

The way you spend your money is between you and your parents. Generally, you can spend it the way you want to, but if you buy something they don't want you to have, they can keep you from using it.



IF MY PARENTS ARE DIVORCED, WHAT RIGHT DO I HAVE TO SAY WHICH ONE I LIVE WITH?

In divorce cases, the court decides which parent shall have custody of children, based on what it decides is in their best interest. The court's decision is based on such factors as the parents' education, personalities, ability to raise children, etc.

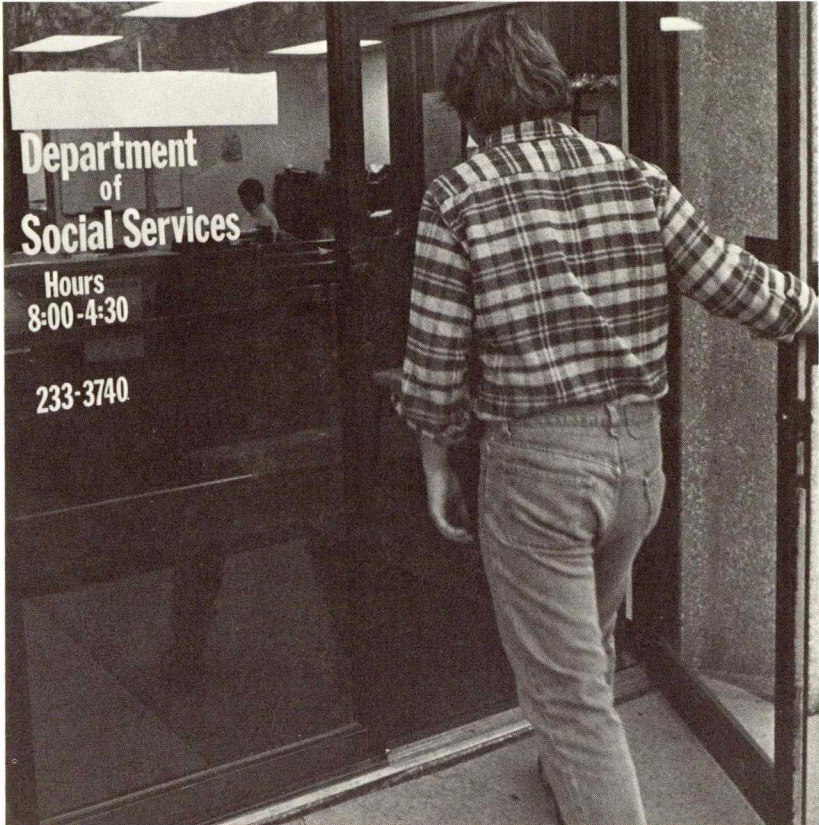
If you are 14 or older and want to express a preference for one parent, the judge may hear your preference, though the judge will usually decide. In most custody cases, the court appoints an attorney to represent the child. The "best interests of the child" is the determining factor as the judge makes any decision.

CAN PARENTAL RIGHTS OVER ME BE TERMINATED?

The Juvenile Court by order may terminate the parental rights of a parent with respect to the youth if:

- (a) your parents abandoned you;
- (b) deprived you of adequate care resulting in your suffering physical, mental, moral or emotional harm;
- (c) written consent of your parents is given stating they wish to give up their rights.
- (d) disobey a court order to contribute to your support or has failed to without good cause.
- (e) repeated physical or sexual abuse by the parent.
- (f) after you have been found by the court to be a child in need of assistance and placed by the court out of your home for at least six (6) months and you cannot safely be returned home.

The evidence must be very strong.



WHAT HAPPENS IF I MOVE OUT OF MY PARENTS' HOME BEFORE I'M 18?

If no one complains, nothing will happen; but if someone does register a complaint, you will be treated as a runaway. Should your parents seek to have you returned to their home, you would probably have to show that their home was unsuitable if you wanted to be independent or placed in another home.

abuse and what to do . . .

WHAT CAN I DO WHEN SOMEONE I KNOW IS BEING ABUSED BY HIS/HER PARENTS?

A teenager who believes someone is being abused can report the case by calling the county office of the Iowa Department of Social Services, local shelter care facility, the police, or the juvenile court service office.

Parents have the right to discipline their son or daughter by spanking but if this results in cuts, bumps, or bruises, this may be considered abuse.

WHAT HAPPENS IN CASES WHERE PARENTS ABUSE THEIR CHILDREN?

Doctors, teachers, and social workers are required to report cases of suspected child abuse. If you believe you are being abused, you should call the Department of Social Services, a local shelter care facility, the police, or the juvenile court service office. When a case of child abuse is reported, the Department of Social Services begins an investigation which consists of:

- (a) identification of the nature, cause, and extent of injuries (if any);
- (b) the identification of persons responsible for these injuries;
- (c) the names, ages and conditions of other children in the same home;
- (d) any other relevant information.

The report is then submitted to the juvenile court, which determines what should be done about the case. The decision is based on the "best interest" of the youngster and may range from family counseling to removal of the young person to a foster home or shelter care facility. A report of child abuse cannot be withdrawn; once the report is made, the investigative and court processes are set in motion and must continue until the case is resolved.

After the investigation is completed, Social Services may conclude that abuse was unsubstantiated, the custodian or parent may voluntarily agree to receive services and work on the problems. Some cases can result in a CHINA petition. (Child in Need of Assistance) and in these severe cases the child may be removed from the home.

SEXUALITY AND YOU

counseling ...

WHAT COUNSELING SERVICES CAN MINORS RECEIVE WITHOUT PARENTAL CONSENT?

Virtually all services available. At Planned Parenthood Agencies they have birth control counseling and services. IUD screening and treatment, problem pregnancy counseling with single parents, or termination of pregnancy options; also breast checks, pelvics and pregnancy exams. Birthright agencies have free services for those women who are pregnant and need help in keeping their pregnancy.

WHAT SERVICES ARE AVAILABLE TO MEN?

Planned Parenthood counsels men concerning birth control and does approve the use of condoms by males.

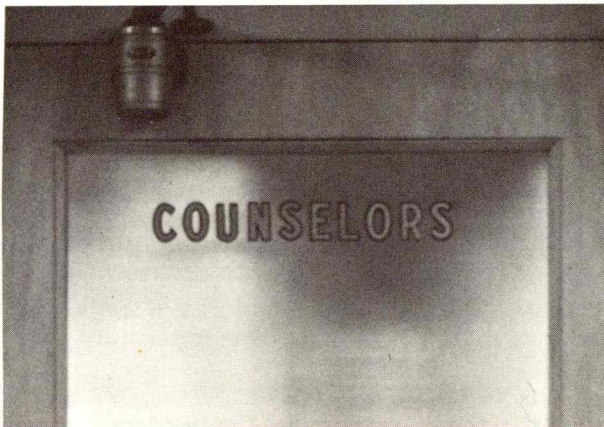
birth control ...

Planned Parenthood has all methods available. Condoms and spermicidals are available at all drug stores.

MUST I HAVE MY PARENTS' PERMISSION TO GO ON THE PILL?

Many doctors (though not all) will prescribe the pill without parents' permission.

It is the right of the individual to determine how he/she will behave sexually. Responsible behavior is up to you. Parents and teenagers often disagree on this topic. If you need help discussing this with your parents or deciding for yourself, seek out one of the counseling services in your area, such as Planned Parenthood or a youth-oriented counseling service. You may also write to Planned Parenthood for information.



**DO THESE AGENCIES
DO GROUP PRESENTATIONS?**

Yes. Planned Parenthood, the YWCA, local shelter care facilities, and Birthright have staff available to present talks on women's self-help, abortion, their services in general, and women's health.

marriage ...

**AT WHAT AGE MAY I MARRY
WITHOUT PARENTAL CONSENT?**

Age 18.

**WHAT IF I'M UNDER AGE —
CAN I STILL GET MARRIED?**

You may legally marry if you are 16 or 17 and:

- (a) have your parents or guardian sign a "Certificate of Consent" and consent is granted by a judge;
- (b) if they won't consent, it can be overruled by a judge:

**DOES MY STATUS
AS A MINOR CHANGE IF I MARRY?**

Yes. Generally minors who marry are treated as adults; however, there are some exceptions; for instance, if you are charged with a crime, Juvenile Court can still hear the case and you must still be 19 if you wish to drink alcoholic beverages.

If a CHINA proceeding is started and if you are already married, a Court will not be able to exercise power over you.

**IF I MARRY WITHOUT MY PARENTS'
CONSENT, CAN THE MARRIAGE BE ANNULLED?**

Yes.

YOU MUST BE 18 TO VOTE.



sexual abuse . . .

The law is quite specific. Generally speaking, sexual abuse is any sex act between two persons when one of the participants is unwilling or incapable of consent.

Persons unable to consent under the law are:

- (a) Persons under the age of 14;
- (b) Persons, 14 or 15 years of age, who are close relatives of the other participant;
- (c) Persons 14 or 15 years of age when the other party is a member of the same household;
- (d) Persons, 14 or 15 years of age, who submit to the authority of another person having a position of authority over them (example: employer/employee).
- (e) Persons who lack the mental capacity to make decisions for themselves.
- (f) Persons 14 or 15 years of age when the other person is 6 or more years older.

Depending on the circumstances, sexual abuse is punishable by up to life imprisonment.

WHAT CAN I DO IF I'VE BEEN RAPED?

If your county has a Sexual Assault Care Center, contact them immediately. It is important that you care for you. You may call a local counseling agency and the police if you wish. All information is confidential.

You should consider getting medical care as soon as possible especially if you feel you might possibly want to bring legal action or are suffering physical or emotional injury.

abortion . . .

Planned Parenthood refers requests to terminate a pregnancy to its Des Moines office. If performed there, parent's consent is required for emotional support reasons. However, Planned Parenthood may refer you to an agency that does not require parental consent if this is a problem. Planned Parenthood's charges are based on ability to pay. Many doctors and some hospitals in Iowa perform abortions. Check with your local sexual counseling agencies.

Above all, follow your own advice and do not let others pressure you into things you don't want to do. It's your life.

WHO CAN SEE MY RECORDS?

Patients may see their own records, though anyone else wanting the information (including parents) must get written permission from you first.

ALCOHOL, CIGARETTES, DRUGS

legal drinking age . . .

WHAT IS THE LEGAL DRINKING AGE IN IOWA?

At present, the legal age for buying and drinking of alcoholic beverages is age 19 and older.

laws concerning alcohol . . .

WHAT HAPPENS IF I AM
ARRESTED FOR DRINKING OR POSSESSION?

You will usually be tried in adult court.

IS IT ILLEGAL FOR ME
TO DRINK IN A PRIVATE HOME?

If your parents or guardian know of your drinking and have given their permission, there is no law which prohibits drinking in a private home.

CAN I LEGALLY ENTER A BAR?

The Municipal Code of most cities states that it is unlawful for minors to be in a place where alcohol is sold unless more than 50% of the services is derived from sales other than alcohol.

However, you may enter any bar if you are accompanied by your parents, guardian, or spouse who is of legal age or who is a regular employee of that establishment. Owners of businesses which sell liquor or beer are prohibited by law from selling, giving or allowing the consumption of alcohol by minors and may lose their license if they do so.

AM I REQUIRED TO
PRODUCE IDENTIFICATION IF ASKED?

Iowa law requires you to "show your I.D." if asked and bar owners have the right to refuse to serve you if you don't provide proof of age.

WHAT ABOUT FALSE I.D.?

Presenting false identification is a misdemeanor which can result in an arrest and referral to Juvenile Court.

cigarettes . . .

IS SMOKING A CIGARETTE
ILLEGAL IF I'M A MINOR?

We could find no laws which prohibit the actual smoking of tobacco. However, Iowa law prohibits anyone from selling, trading, or giving you tobacco, cigarette papers or cigarettes. Doing so is a misdemeanor and could result in a \$25 - \$100.00 fine or up to 30 days in the county jail for the person who sells it to a teenager.

BUT IF I'M CAUGHT SMOKING — WHAT THEN?

Iowa law says that if you are smoking in any place other than your own home, you must provide information concerning who gave you the tobacco. Refusing to do so could result in a misdemeanor charge. Penalties are up to the Juvenile Court.

drugs ...

WHAT IF I HAVE QUESTIONS OR NEED HELP WITH A DRUG PROBLEM?

For information concerning drug use and abuse, consult your local telephone directory under "Drug Abuse and Addiction — Information and Treatment". These places have an abundance of literature concerning the effects of chemicals, legal questions, etc., and staff will be available to answer any questions you may have. All services are strictly confidential.

WHAT ARE "SCHEDULED" DRUGS?

A "schedule" is a category included in the Iowa Uniform Controlled Substances Law which groups a substance (drug) for purposes of classification and control. The "scheduling" or placement of a substance into a category is based upon:

- (a) the drug's potential for abuse;
- (b) the extent and safety of medical use; and
- (c) whether or not use may lead to physical or psychological dependency.

Penalties for the possession, sale, delivery, transportation, or manufacture of a drug usually depend upon the schedule the law has assigned.



FIRST AMENDMENT RIGHTS — YOUR RIGHTS AT SCHOOL

Along with other rights and responsibilities, the First Amendment to the U.S. Constitution states:

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to assemble peaceably, and to petition the government for a redress of grievances.

freedom of speech . . .

There are two types of “speech”: “Pure speech” is what you say directly via vocal expression; “symbolic speech” is expressed in the form of a button, arm band, etc.

In 1969, the United States’ Supreme Court handed down a decision in the case of *Tinker v. Des Moines Independent School District* upholding students’ freedom of speech, in this case “symbolic speech”. This was the first major student rights decision in the United States handed down by the Supreme Court, concerning a case right here in Iowa.

In 1965, a group protesting the Vietnam War organized an effort to express their convictions by wearing black arm bands. The Des Moines Principals’ Association became aware of this effort and agreed to suspend any student wearing an arm band until the student agreed not to wear it. Three students were suspended and they sued the schools on the issue that their rights to free speech were being denied. The Court decided in the students’ favor, but they did not give students the rights which adults have.

freedom of association . . .

This does not formally appear verbatim in the Bill of Rights, but has long been recognized as a basic right in connection with free speech and assembly. What this means is that students may form groups and clubs so long as they do not interfere “materially or substantially” with school.

freedom of assembly . . .

This part of the First Amendment entitles one to “peaceably assemble”. One may parade or demonstrate as long as there is no destruction of property at school or injury of people. This freedom has not been extended to students and most courts uphold disciplinary actions by the schools.

freedom of the press . . .

Although adults may publish anything except that which is obscene, defamatory, or calls for and seems “likely to cause imminent breaking of the law and overthrowing of government”, students are more strictly controlled. When censoring a student’s paper, the administration must first show proof of the need to censor. In most cases, prior censorship is unconstitutional. The school cannot ban literature just because it contains criticisms of school officials or policies.

freedom of religion . . .

Prayers and religious exercises in schools have been found unconstitutional. A student has the right to remain seated during an invocation or flag salute because of his or her personal convictions.

handing out literature . . .

**CAN YOU HAND OUT LITERATURE AT SCHOOL:
I.E., UNDERGROUND NEWSPAPERS, PAMPHLETS?**

Yes. Literature distribution may only be barred if it substantially and materially interferes with school activities. If you are going to hand out leaflets, it is suggested that you do it before and after school and during lunch hours.

**CAN THE SCHOOL REQUIRE ME AND OTHER
STUDENTS TO SUBMIT WRITTEN ARTICLES FOR APPROVAL?**

In Iowa, such a rule has not been tested in court. Court rulings on this issue in other parts of the U.S. have varied. Case-specific facts would affect any rulings on this First Amendment issue.

**CAN THE SCHOOL BAN
CERTAIN MATERIAL BECAUSE IT IS OBSCENE?**

Yes. Obscenity is a complex legal question which refers to the entire piece, not just specific words labeled “naughty”. The mere use of these words does not necessarily make the piece obscene, but nevertheless, it is often wise to avoid these words (which may reduce the credibility of what you are saying) so that questions of obscenity do not arise.

**CAN THE SCHOOL
BAN BOOKS FROM THE LIBRARY?**

Yes, but the decision to ban may be tested through a court proceeding.

your records' ...

DO I HAVE THE RIGHT TO SEE MY RECORDS?

In 1974, the Family Education Rights and Privacy Act was passed. This Act allows you to see your records under the following conditions:

- (a) you are properly identified;
- (b) the purpose of the request is clearly identified;
- (c) the type of information required is exactly stated;
- (d) prior written consent is given by your parent(s), except in cases under the "Family Rights and Privacy Act of 1974".
- (e) a record of access shall be made.

CAN OTHER FAMILY MEMBERS REQUEST INFORMATION ABOUT ME?

No. Requests for information contained in your records may not be given when made by a relative or immediate family members other than your parents, whether the request is made in writing or in person.

WHAT SHOULD I (OR PARENTS) DO IF THE SCHOOL REFUSES TO SHOW ME MY RECORDS?

If the school refuses to let you (with parental consent) or your parents see your records, you may want to take them to the Board of Education or seek legal advice.

WHO MAY REQUEST TO SEE MY FILES?

A parent, student, former student or parent of a former student under age 18.

The "Family Education Rights and Privacy Act of 1974" states:

- (a) a student's parent(s) shall have access to educational records by appointment;
- (b) a counselor or other school official competent in interpreting student records must be present to explain the records that are examined;
- (c) the following exception shall be made to the principle of parental consent with respect to a student's age and his legal rights: a parent of a student or former student shall have access to his child's records as long as the child is a dependent. It shall be presumed until sufficient showing to the contrary that a student attending school in this district is a dependent of his or her parents;
- (d) parents shall be granted the opportunity to copy student records at a reasonable cost.

CAN MY SCHOOL RECORDS BE RELEASED TO COURTS, AGENCIES OR INSTITUTIONS?

Yes, requests for information from any federal, state, county, or local agency having any legitimate interest in the student's record and having a court order or subpoena may be given your records.

searching of your locker . . .

CAN THE POLICE OR FACULTY SEARCH YOUR LOCKER?

Yes, since school authorities give you your locker they may search it themselves or give permission for the police to search. Even though you feel your locker should be your own private property, it would be best not to put any illegal or highly personal items into your locker.

SCHOOL AUTHORITIES SOMETIMES CALL YOU OUT OF CLASS TO TALK TO POLICE, GIVE INFORMATION ON WHAT OTHER STUDENTS ARE DOING, ETC. DO I HAVE TO DO THIS?

No. As always, you have the right to remain silent and it may be wise to exercise it. Court tests have determined that since parents have given children over to school authorities solely for the purpose of education, they may not use school facilities for conducting police department business and have no right to make students available for such purposes. If you are called out to talk to the police, you may ask to call your parents and/or an attorney. It is your option to talk to the police, but you do not have to say anything until advised to do so by your lawyer. These are your rights. As was mentioned before, there are problems the police and other authorities may be able to assist you with.

CAN A GIRL WHO BECOMES PREGNANT BE EXPELLED FROM SCHOOL?

The school may not bar a pregnant girl from any school activities including graduation ceremonies. They may suggest other school sponsored programs, but they cannot force her to attend the alternative programs.



YOU AND EMPLOYMENT

types of jobs ...

ARE THERE ANY RESTRICTIONS ON THE TYPE OF JOB I MAY HOLD?

There are job restrictions depending on your age. Fourteen and fifteen year olds cannot work in hazardous occupations, in manufacturing, in most processing occupations, cleaning or repairing power driven machinery. If you are 16 years old, you can work at most jobs except hazardous occupations.

child labor laws ...

BUT AREN'T THERE BUSINESSMEN WHO THINK THAT "HIRING TEENAGERS IS TOO MUCH TROUBLE?" YOU GET ALL KINDS OF HASSLES WITH THE CHILD LABOR LAWS.

That idea just isn't true anymore. And here are the facts about what you legally can and cannot do on a job. You might surprise an employer with the range of possibilities.

hours you can work ...

ARE THERE ANY RESTRICTIONS ON THE AMOUNT OF HOURS I CAN WORK?

Iowa law allows people 16 years and over to work any hours at non-hazardous jobs. Fourteen and fifteen-year olds can only work outside school hours; for example:

You may work between 7:00 a.m. and 9:00 p.m. from June 1st through Labor Day. During the rest of the year, limits are 7:00 a.m. to 7:00 p.m.

- 4 hours a day on school days
- 28 hours a week in school weeks
- 8 hours a day during vacations
- 40 hours a week during vacations



WHAT CAN I DO?

If you're 18: you can work at any job without restrictions.

If you're 16: you can work at most jobs except those on the Hazardous Occupations list. These are a few of the jobs you can be hired to do:

Insurance and real estate
Retail stores
Hotels and motels
Restaurants
Local government
Garages and auto
repair shops

Service stations
Hospitals and nursing homes
Greenhouses and nurseries
Dairies
Public utilities
Printing and publishing firms
Certain manufacturing and
construction positions

If you're 14 and 15: you can:

Pack fresh fruits and
vegetables
Detassel
Answer phones and take
messages
Work in retail stores
Do farm work

Caddy
Dispense gas and oil
Clean cars at service stations
Do office and clerical work
Do kitchen work; cook in
restaurants; bus dishes

HAZARDOUS JOB LIST

Jobs considered too dangerous for teenagers under 18 are occupations involving:

Working in plants which manufacture or store explosives
Working in slaughtering and meatpacking firms
The operation of certain power-driven bakery machines
The manufacture of brick, tile and related products
The operation of circular saws and band saws
Wrecking and demolition operations
Excavation operations
Most foundry operations
The operation of laundry, dry cleaning or dyeing machinery
The job of motor vehicle driver or helper

This list includes only 10 percent of all jobs. The rest are open to you.

work permit ...

DO I HAVE TO GET A WORK PERMIT?

Iowa law requires employers to obtain work permits before they employ persons under the age of 16.

It's easy to get work permits. Get from your new employer a written promise of employment showing hours of work and the occupation. Take this, along with evidence of your birth date, to your local school or Job Service of Iowa.

job information ...

HOW CAN I GET INFORMATION REGARDING JOBS?

Your local office of Job Service of Iowa offers information and various types of vocational counseling.



OWNERSHIP

holding of property ...

WHAT RIGHT DO I HAVE TO HOLD PROPERTY?

Under 18 years you can hold property in your name. In certain situations a conservatorship or trust may be necessary to oversee the child's use of the property. Property can be held by a trust fund set up in your name, but this usually doesn't happen except under unusual circumstances, such as if you received an inheritance. A purchase such as a car or house would require the signature of your parents (or in the case of a trust, the executor) because of the legal documents involved.

signing a contract ...

CAN I AS A MINOR ENTER INTO A CONTRACT?

Yes. Remember that a contract can be many things, including your word, credit arrangements and cards, loans, etc., with many requirements and responsibilities. You are encouraged to seek out legal or expert advice on these matters.

OTHER RIGHTS

laws concerning knives and hitchhiking . . .

Legally, you may carry a pocket knife with a blade up to 3½ inches in length or a sheath knife up to 6 inches long. You may not have a longer pocket knife or sheath knife.

IS IT LEGAL FOR ME TO HITCHHIKE?

Yes, hitchhiking is not prohibited in Iowa except on the interstates. You must stay off the traveled portion of the road. Although legal, hitchhiking is greatly discouraged. If you are going to hitchhike, always carry an I.D. because the police will usually stop minors to check for runaways. On longer trips, it is also a good idea to have a letter from your parents (if you can get one) saying that you have their permission to go wherever you're going. Different cities will also have different laws on hitchhiking.



JUVENILE COURT

WHEN CAN I BE BROUGHT BEFORE THE JUVENILE COURT?

Generally if you are below the age of 18 you may be brought before the Juvenile Court if someone files a complaint with the Court and there is reason to believe that you are:

- A runaway;
- A child in need of assistance; or
- Have committed a public offense.

WHAT CAN THE JUVENILE COURT DO?

This depends upon the reason you are before the Court.

arrest or detention . . .

If you are being held by the authorities, the Court **must** decide whether you should continue to be held or released and must do so within:

- 12 hours if you are in jail;
- 24 hours if you are in a locked facility;
- 48 hours if you are being told to stay in a shelter house.

problems where you live . . .

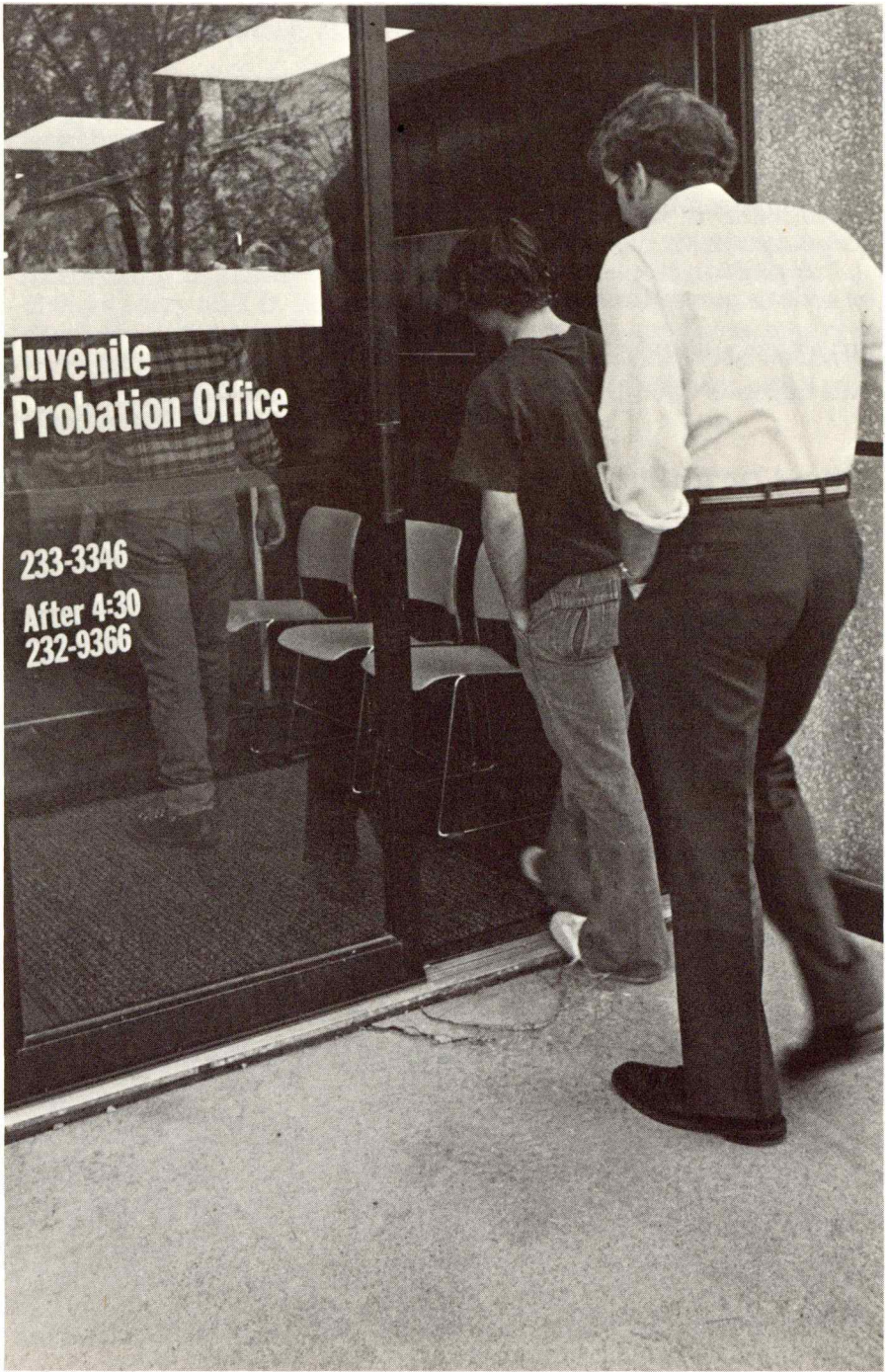
If you or someone else feels that there are problems going on in your home which are harmful to your mental or physical health or well being, the Juvenile Court can hold a hearing to decide if something should be done such as providing you with a different place to live, counseling, etc. You are permitted to participate in this decision, but you may not always get what you want.

if you are charged with a crime . . .

The Juvenile Court will usually hear your case unless you are charged with one of the following:

1. illegal possession of beer,
2. violation of municipal or county curfew or traffic ordinances,
3. violation of state park and preserve regulations,
4. violation of fish and game laws, or
5. violation of water navigation regulations.

It is also possible for the Juvenile Court to make a decision to try you as an adult for offenses other than those in the above list.



important rights ...

From the very first moment that you are suspected of wrongdoing, you have a **right to remain silent**. It is advisable to ask for a lawyer before you talk. Anything you say might be used against you.

You have a **right to an attorney**, even if you can't afford one.

You have a **right to a fair trial**. If you ask for an attorney, she or he can explain what other rights you have and advise you.

WHEN CAN I BE TRIED AS AN ADULT?

You would probably be tried as an adult if you were charged with any of the offenses included in the five-point list found above. In other cases, before you can be tried as an adult, the Juvenile Court must find that you are at least 14 years old and a decision must be made by the Juvenile Court that it would be in your best interests or the best interests of the community to try you as an adult. Older minors, charged with serious offenses or having past records, are most frequently waived to Adult Court. Young, first time offenders are not.

consequences ...

CAN I BE PUNISHED?

If you are required or permitted to stand trial as an adult and are found guilty, you can be punished as an adult, by fine or imprisonment.

If you are tried in Juvenile Court and the charges are not dismissed, the Judge may order you to be detained in an institution until you are 18, order you to receive treatment or release you on probation subject to a number of conditions.

This section prepared by:

Youth Law Center
405 Shops Building
Des Moines, Iowa 50309
(515) 244-1172



| OFFENSE | CLASSIFICATION OF COMMON OFFENSES ACCORDING TO THE LAW | POSSIBLE SENTENCE IF AN ADULT |
|---|---|---|
| ALCOHOL RELATED: CONSUMPTION IN A PUBLIC PLACE | Simple Misdemeanor | Imprisonment not to exceed 30 days in County Jail or fine not to exceed \$100.00. |
| INTOXICATION | Simple Misdemeanor | Imprisonment not to exceed 30 days in County Jail or fine not to exceed \$100.00. |
| OPERATING A MOTOR VEHICLE WHILE INTOXICATED OR DRUGGED | 1st Offense: Serious Misdemeanor. 2nd Offense: Aggravated Misdemeanor 3rd Offense: Class "D" Felony | No less than 2 days in County Jail. Suspension of driver's license 120 days No less than 7 days in County Jail, committed for drug, alcohol treatment, suspension of driver's license for 240 days (2nd offense); 1 year (3rd offense) |
| SELLING OR GIVING ALCOHOLIC BEER OR LIQUOR TO MINORS | Simple Misdemeanor | Imprisonment not to exceed 30 days in County Jail or fine not to exceed \$100.00. |
| ASSAULT | Simple Misdemeanor | Imprisonment not to exceed 30 days or fine not to exceed \$100.00. |
| ASSAULT (with intent to inflict serious injury) | Aggravated Misdemeanor | Imprisonment not to exceed 2 years and/or fine not to exceed \$5,000. |
| BURGLARY 1st DEGREE (use of some type of weapon or injures some person) | Class "B" Felony | Imprisonment for no more than 25 years. |
| BURGLARY 2nd DEGREE | Class "C" Felony | Imprisonment not to exceed 10 years and fine not to exceed \$5,000. |
| CRIMINAL MISCHIEF 1st DEGREE (property damaged valued over \$5,000) | Class "C" Felony | Imprisonment not to exceed 10 years and fine not to exceed \$5,000. |

| | | |
|---|--|---|
| CRIMINAL MISCHIEF 2nd DEGREE (property damaged valued from \$500 to \$5,000) | Class "D" Felony | Imprisonment not to exceed 5 years and fine not to exceed \$1,000. |
| CRIMINAL MISCHIEF 3rd DEGREE (property damaged value from \$100 to \$500) | Aggravated Misdemeanor | Imprisonment not to exceed 2 years and/or fine not to exceed \$5,000. |
| CRIMINAL MISCHIEF 4th DEGREE (property damaged valued from \$0 — \$100) | Simple Misdemeanor | Imprisonment not to exceed 30 days or fine not to exceed \$100. |
| CRIMINAL TRESPASS | Simple Misdemeanor | Imprisonment not to exceed 30 days or fine not to exceed \$100. |
| CRIMINAL TRESPASS (with injury to any person or damages more than \$100) | Serious Misdemeanor | Imprisonment not to exceed 1 year and/or fine not to exceed \$1,000 |
| FALSE USE OF FINAN- CIAL INSTRUMENT | Class "C" Felony | Imprisonment not to exceed 10 years or fine not to exceed \$5,000. |
| INTERFERENCE WITH OFFICIAL ACTS | Simple Misdemeanor | Imprisonment not to exceed 30 days or fine not to exceed \$100. |
| OPERATING MOTOR VEHICLE WITHOUT OWNER'S CONSENT | Aggravated Misdemeanor | Imprisonment not to exceed 2 years and/or fine not to exceed \$5,000. |
| PARTIES TO CRIME: | | |
| ACCESSORY AFTER THE FACT TO THE COMMISSION OF A MISDEMEANOR | Simple Misdemeanor | Imprisonment not to exceed 30 days or fine not to exceed \$100. |
| ACCESSORY AFTER THE FACT TO THE COMMISSION OF A FELONY | Aggravated Misdemeanor | Imprisonment not to exceed 2 years and/or fine not to exceed \$5,000. |
| AIDING AND ABET- TING OTHERS WHO COMMIT THE OFFENSE | Charge is the same degree as the crime which was aided | Punishment is the same degree as the crime which was aided. |

| | | |
|--|--|--|
| ROBBERY 1st DEGREE (inflicts or attempts to inflict serious injury or is armed with a dangerous weapon) | Class "B" Felony | Imprisonment not to exceed 25 years |
| ROBBERY 2nd DEGREE | Class "C" Felony | Imprisonment not to exceed 10 years and fine not to exceed \$5,000. |
| THEFT 1st DEGREE (theft of property exceeding \$5,000) | Class "C" Felony | Imprisonment not to exceed 10 years and fine not to exceed \$5,000. |
| THEFT 2nd DEGREE (theft of property valued from \$500 to \$5,000) | Class "D" Felony | Imprisonment not to exceed 5 years and fine not to exceed \$1,000. |
| THEFT 3rd DEGREE (theft of property valued from \$100 to \$500) | Aggravated Misdemeanor | Imprisonment not to exceed 2 years and/or fine not to exceed \$5,000. |
| THEFT 4th DEGREE (theft of property valued from \$50 to \$100) | Serious Misdemeanor | Imprisonment not to exceed 1 year and/or fine not to exceed \$1,000. |
| THEFT 5th DEGREE (theft of property valued from \$0 to \$50) | Simple Misdemeanor | Imprisonment not to exceed 30 days or fine not to exceed \$100. |
| MOST TRAFFIC OFFENSES | Subject to local laws and ordinances. No jurisdiction in Juvenile Court. | Juveniles will be fined as are adults. Can also be held in jail as adults. |



| | | |
|--|---|---|
| <p>TYPE DRUG</p> | <p>Manufacture, delivery or possession with intent to manufacture or deliver, act with, enter into common scheme or design or conspire with others to manufacture, deliver or possess with intent to deliver.</p> | <p>Delivery by person 18 or over to a person under 18.</p> |
| <p>POSSESSION OF CONTROLLED SUBSTANCE (other than marijuana without prescription or order of practitioner)</p> | <p>First Offense: Serious misdemeanor. One year in County Jail or \$1,000 fine.</p> | |
| <p>POSSESSION OR ACCOMMODATION SALE OF MARIJUANA</p> | <p>First Offense: Six months in County Jail and/or \$1,000 fine.</p> | |
| <p>SCHEDULE I AND II NARCOTIC DRUG (includes heroin, opiates and cocaine)</p> | <p>(Public Offense) First Offense: 10 years in penitentiary and \$5,000 fine. If determined for accommodation: one year in County Jail and/or \$1,000 fine.</p> | <p>25 years minimum — 5 years before eligible for parole.</p> |
| <p>SCHEDULE I, II OR III NON-NARCOTIC (includes marijuana, LSD, mescaline, amphetamines, some barbiturates, PCP)</p> | <p>(Public Offense) First offense: 5 years in penitentiary and \$1,000 fine. If determined for accommodation: one year in County Jail and/or \$1,000 fine.</p> | <p>10 years in penitentiary and/or \$5,000 fine; tripled if second offense.</p> |
| <p>SCHEDULE IV — ALL (includes phenobarbital, minor tranquilizers)</p> | <p>(Public Offense) First offense: serious misdemeanor; one year in \$1,000 fine.</p> | <p>10 years in County Jail and/or \$5,000 fine.</p> |
| <p>SCHEDULE V — ALL (includes codeine in small concentrations)</p> | <p>(Public Offense) First offense: simple misdemeanor; 30 days in County Jail and/or \$100 fine.</p> | <p>10 years in penitentiary and/or \$5,000 fine.</p> |

YOUTH INFORMATION DIRECTORY

THE LAW

- Juvenile Justice Advisory Council*
c/o Iowa Crime Commission 1 (515) 281-3241
- Child Abuse Registry 1 (800) 362-2178 (Toll Free)
- Youth Law Center 1 (515) 244-1172
- Citizen's Aide 1 (515) 281-3592
- Iowa Civil Liberties Union 1 (515) 243-3576

*JJAC is the provider of this book and is the agency to contact for more copies or information. Their address is:

c/o Iowa Crime Commission
State Capitol
Des Moines, Iowa 50319

ALCOHOL/DRUGS

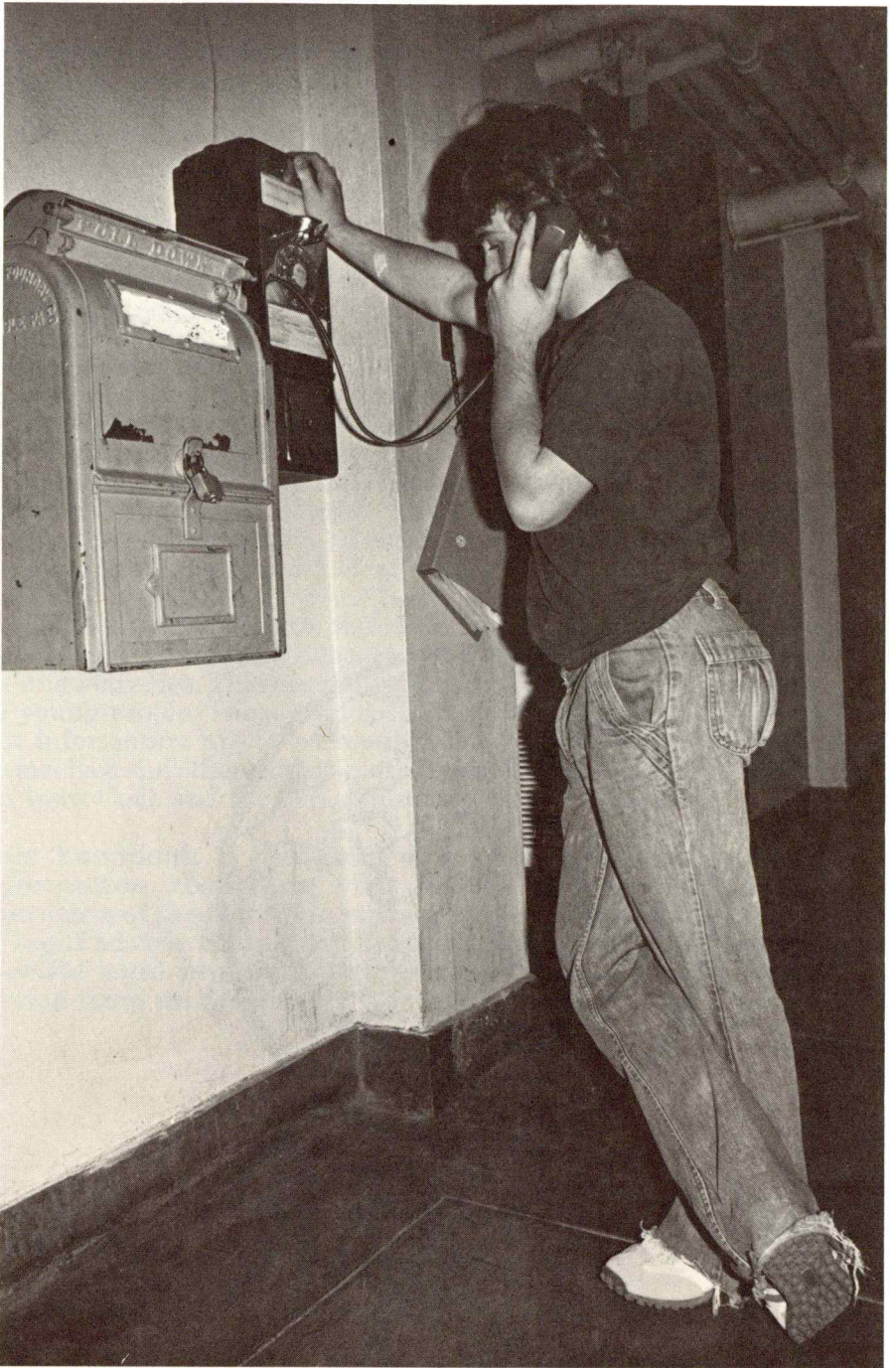
For information call your local Alateen or Alcoholics Anonymous.

- Iowa State Dept. of Substance Abuse 1 (515) 281-3641

PREGNANCY

Contact your local Family Planning Program or Planned Parenthood.

- Planned Parenthood (DES MOINES) 1 (515) 280-7000



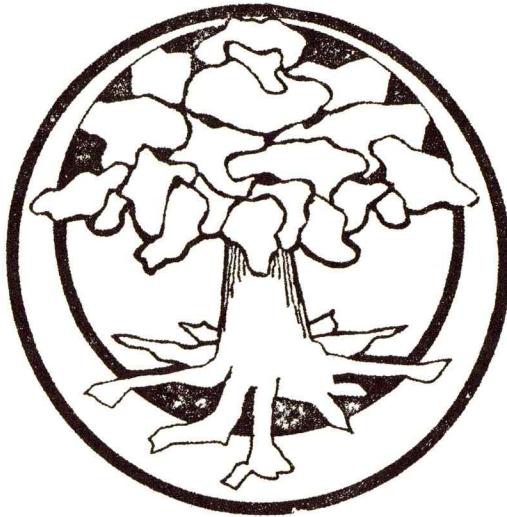
FINANCIAL

For job information and career guidance, call your local Job Service of Iowa.

Iowa State College Aid Commission 1 (515) 281-3501

OTHER

Runaway Hotline 1 (800) 621-4000 (Toll Free)



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