

FWD@18

Your Personal Survival Kit

Freedom. Independence. What's not to like about becoming 18, a noteworthy turning point in everyone's life? In the eyes of the law you are now an adult. You are independent and solely responsible for your actions. You can vote, run for office, and serve on a jury and make many other decisions about your future.

With increased rights and responsibilities- now that you're 18- you also need to understand the legal details of what you can and cannot do. Transitioning from a juvenile to an adult does not have to be hard when you have an *easy-to-use survival kit* detailing some of the laws shaping that transition. Check out the following topics created by the Ohio State Bar Foundation to help you make this milestone a smooth and productive one.

- Living Digitally
- Having Fun
- Encountering Police
- Handling Money Matters
- Moving Out
- Managing Medical Issues
- Considering Sex
- Getting Married & Having Kids

Living Digitally @ 18

The world of social networking, mobile apps, and new technologies defines your everyday existence. Researching topics, shopping and banking, downloading entertainment and social networking are functions of whatever device you own. As a tool, the internet makes access to information and communication global but not without some risk. When you realize you never are totally protected from knowing who is on the other end of an online conversation or who can hack your account, your privacy and life can be compromised in very dangerous ways. Likewise, some of your online behaviors may cause you legal problems if you are not careful.

Your online behaviors are also complicated and possibly compromised with the social media dilemma. What you think are free and useful services actually come at a hidden cost to you.

- Everything you do on social media is being tracked, watched, and measured.
- Social media companies have more information about you than you can possibly imagine.
- Algorithms are used to exploit your vulnerabilities and to manipulate what you will see online. Only two companies' call customers "users": illegal drugs and software.
- Both companies' success depends on making the user addicted.
- Both companies exploit users for financial gain.

Therefore, your happiness and safety depend greatly on your consumption of social media and on a complete understanding of both the positive and negative effects of your social media use.

Is downloading music or pictures or information from the internet ever illegal?

It depends. Music, video, computer software and electronic content are often free or can be bought for a nominal fee. But when you download, duplicate, distribute and/or share copyrighted works without authorization of the copyright owner, you are breaking copyright laws. Damages can be awarded in the tens of thousands of dollars for each downloading violation and serving jail time is also possible. When downloading, just make sure it is from a licensed site.

Laws concerning the downloading of sexual pictures of children or young teens are very strict since “child pornography” is a crime. Possessing such pictures or attempting to possess them can land you in prison and register you as a sex offender for up to 25 years.

Is it risky to share personal information on the internet?

Yes, if you don't take precautions to limit the type of information you share. Unsavory types will scam you, stalk you, and/or steal your identity if the opportunity presents itself. And, your posting of personal information online can give them that opportunity. When you share personal information, know that:

- Legitimate businesses and government agencies will never send you emails, texts, or pop-up messages to click on a website or call a phone number to update personal information (account numbers or social security numbers) or to claim a prize, benefit or access a refund. Don't ever respond even if you are being pressured to do so quickly.
- Legitimate online shopping companies secure their sites, but “buyer beware.” A locked icon may be on the browser's status bar, but some scammers have forged security icons and some hackers have been able to breach sites.
- Strong passwords should be changed frequently and should be unique for each of your accounts. Never share them.
- Strong anti- malware software should be installed on your devices.

But isn't sharing with friends OK?

When you are on social media, you have privacy settings that can limit who you want to share with. But do you want every single friend to know the same facts about you? Do you trust some friends more than others as to how they will use that information?

Moreover, when a social network asks you to add a friend or a feature to your account, be safe. What do you really know about “the friend” or the feature’s use and security? You daily pass strangers on a street. You daily can meet strangers online. Putting your full date of birth, for example, in a profile can be an open door for people who do not have your best interests at heart. Consider using the following filters about personal information you post:

- Information that could be used to locate or identify you offline.
- Information that makes it easy to hack your accounts or steal your identity.
- Information that could be used to bully you or stalk you.
- Information, such as medical records and addresses, which should be private.
- Information that may give others the wrong impression of you.
- Information you can’t take back or that could be passed on to many others, including complete strangers.
- Pictures compromising you and your family’s safety.

What about sexting? Isn't it legal at 18 between adults?

Two consenting adults can legally send sexually suggestive pictures or messages to each other, including semi-nude or nude pictures or videos via a phone or internet connection. The laws, however, are very strict about an adult sending sexual pictures and messages to minors or minors sending the same material to an adult. Both state law and federal law make it illegal for anyone to receive, possess, or distribute this kind of material. Even two minors who share sexually suggestive pictures or messages (child pornography) with each other can be prosecuted. The adult who uses such "harmful matter" with a minor (often intended to arouse or seduce the youth) will face major penalties. If convicted, both minors and adults can also be ordered to register as sex offenders.

If, however, an adult shares nude or sexual photos of another adult without consent, he or she could be charged. If you send compromising, private pictures of an ex, often as a means of revenge, you can end up in a criminal or civil court.

You should also consider that once a picture is sent you really lose control over what happens to it. The picture can be shared with others and passed on through many different contact lists; the phone with the picture on it can also be stolen and the picture copied by others. Some "sexts" have even ended up on internet web sites for the entire world to see.

Murphy's Law applies: "What can go wrong...will." While you could claim "copyright" ownership of your images, laws concerning such ownership are mostly impossible to enforce. They can also be expensive to prosecute. Besides, do you really want co-workers or a potential employer viewing your personal activities? Discovering your past behaviors in our technological world is much easier than you may think. Such images can resurface years later and haunt you in unimaginable ways.

What are my options if someone is bullying me online?

Online activities meant to harass, torment, humiliate, embarrass, or be mean to others is cyberbullying—activities carried out by adults as well as minors. Under Ohio’s telecommunications harassment law, a bully who (often anonymously) uses a telecommunications device (using a phone to text message or make calls with the intent to harass or threaten a victim) can be charged with a crime.

They can also face charges under Ohio’s “menacing by stalking” law if the bully commits two or more acts that causes the victim to believe that physical or mental harm may occur. The law applies to those people who post messages online, including messages urging others also to abuse the victim and/or his property. Although a line is not always easily drawn between a legitimate opinion and threatening speech, your right to be protected under the law is a given. Both misdemeanor and felony charges can apply as the bully may face fines, imprisonment or both. They can also face a civil lawsuit where the victim wants to recover monetary damages for the emotional, social, or financial harm a cyberbully can cause.

When I am at work, can my boss check my emails and websites I visit?

Yes, most likely, because you are using a workplace computer. You can check with your employer about privacy policies but don’t just assume you are entitled to privacy at work.

Are my personal texts private and protected?

Not necessarily. They are written messages that can easily be forwarded to anyone without your knowledge. Before you send, think twice about whether the message will embarrass you or harm you in some way if it gets in the wrong hands.

Also, know that text messages are written records that can be used as evidence in open court if they are material to a case at hand. Even if you think they are deleted, forensics experts can still retrieve them.

Do laws prohibit certain computer activities?

Yes. You cannot:

- Access someone's computer without permission.
- Scam others to obtain property, services, or money by means of fraud.
- Damage or destroy networks, systems, databases, programs, or computer components without authorization.
- Introduce viruses or contaminants to a computer.
- Deny or disrupt an authorized user's access to a computer.

Having Fun @ 18

As a young adult, you want to have a good time. Being on your own at college or in a new job or in the military means new people in new social settings. However, Ohio laws limit- even at 18- how you can party. Some laws are no different than when you were a juvenile. For example, if your party is “disturbing the peace,” the police may come knocking at your door, if they are called, at any time. The personal consequences to you, however, as a young adult, are now something you must consider from a different perspective.

Don't most people overlook the drinking of alcohol by an 18-year-old?

Only three exceptions exist:

- Your parents legally can if you are in their presence and they give consent.
- You're at a recognized religious service.
- A doctor has prescribed alcohol for you as a medical treatment.

Otherwise, the law says no one can drink until 21. Most restaurants, as a matter of policy, won't serve you even if you are with your parents.

Can I get in trouble if I have a party and some of the people drinking aren't 21?

Yes, if the police show up to find anyone under 21 drinking who does not have a parent physically present giving permission. If you have been drinking, you can now be charged and prosecuted in municipal court instead of juvenile court. The violation (a Misdemeanor of the 1st degree carrying possible imprisonment of 6 months and/or a \$1000 fine) is more than in juvenile court. As a host, you also could be liable- regardless of who supplies the alcohol- if any harm, injury or death results from a person's consumption. You cannot knowingly allow a person under 21 to remain at your residence while or possessing or consuming alcohol.

What happens if somebody crashes my party?

They are trespassing. You can call the police to kick them out if they won't leave on their own.

What should I do if someone has drunk too much or is OD'ing on drugs and needs medical help?

- Call 911 immediately.
- Stay with the person until help arrives.
- Cooperate with the authorities.

What about fake IDs or altering my driver's license to make it read 21?

The use of a fake ID or an altered license to get alcohol is a criminal offense for which you can receive a fine and/or jail time. The penalties increase for multiple offenses. To lend, transfer, sell, manufacture or distribute a false ID is also a criminal offense. Those selling alcohol (bars, carry-outs and stores) are required to check carefully a photo ID of the purchaser. Depending upon circumstances, they also can be held liable if selling to people underage. Be aware that most establishments have cameras rolling 24/7 so identification of who is buying and selling at a carry-out, for example, is easily established.

If I have been drinking privately but then go out in public, say, to a tailgate, can I still be arrested?

As with any underage drinking, you are taking a risk even if authorities just smell alcohol. Too often, however, people become intoxicated and commit the crime of disorderly conduct in a public place that risks harm to others or themselves or to another's property. If your behavior becomes offensive, whether you have a container in your hand or not, you can still be arrested. Even if you don't believe you have been offensive or disorderly, the police can still arrest you.

What happens if I am caught drinking and driving between 18 and 20?

First off, you're not legally allowed to drink so that's one strike against you. Secondly, the legal limit for being drunk, if you are under 21, is much lower. Even the slightest amount of consumption of alcohol can place you over the legal limit of .02 for blood alcohol content. Depending on your body size and type, just a beer or two can put you above the legal limit. You can be charged with OVI (Operating Vehicle Impaired) with jail time, fines, penalties and/or license suspension as part of the punishment.

What happens if I am arrested for possession of drugs?

It depends. Ohio drug possession laws are some of the most complex in the United States. Ohio divides dangerous controlled substances into five “Schedules” with Schedule I being drugs with a high probability of abuse and addiction and no recognized medical value. Within each schedule “bulk amounts” are defined and determine the penalty of you being charged with a felony (a serious criminal charge) or a misdemeanor (a minor wrongdoing). You could be fined and/or receive a few days in jail or several years in prison dependent upon the facts of your case. It’s not just a matter of what you possess (heroin, cocaine, and prescription pills, for example) but also the bulk amount. Previous convictions can also be a factor. It is against the law for you to have in your possession pain pills not prescribed for you. It is also against the law for you to share those with someone else whether you have a prescription or not.

Marijuana- probably the most commonly used illicit drug- is decriminalized in Ohio. You will be ticketed and charged with a “minor misdemeanor,” if in possession of less than 100 grams (3 ½ oz.) and fined \$100. Once, however, the amount goes over 100 grams the penalties increase, even to the point of you being charged as a felony drug dealer though you might be using it strictly for personal use. Charges being dismissed, being assigned to a diversion program (a way to avoid a criminal record) or receiving probation (a period of court-ordered supervision instead of jail time) are also possibilities at the discretion of the court.

If we are stopped by the police and I am riding with someone who is carrying drugs, can I be charged for possession when the drugs aren't mine?

The not-so-easy answer is “yes” if it is found in the car. Whether it is in a car or at your residence, the law reads you have access to take possession. But, if the drugs don’t belong to you and are not on your person, you have a good defense against conviction. The reverse is also true. If the driver is clean of carrying drugs but they are found on a passenger or in the car, the driver can still be charged under the terms of possession- the drugs are under the driver’s control even if not on his person.

Encountering the Police @ 18

A traffic violation such as speeding, easing through a stop sign or a broken taillight may mean you will experience a police officer's flashing lights as he or she pulls you over. More serious illegal events such as shoplifting, using illicit drugs, or violence against others can also mean an encounter with the police that can lead to an arrest. As an adult, you will face penalties not encountered as a juvenile if you commit a felony (a more serious crime) or a misdemeanor (a less serious crime). Encountering the police, however, is almost always the first step in the legal process and demands an awareness of how you should act to ensure your basic rights. Of course, the easiest way to avoid such encounters is simply to stay out of trouble in the first place.

Aren't police officers supposed to follow "the laws" when they approach a person?

Yes. For example, a police officer who stops a car for a traffic violation cannot randomly search the car. If, however, the officer has "reasonable suspicion" that the person has, is, or will commit a crime and can state the reason based on a specific observation or circumstance, the officer can search some or the entire car. The officer may see illegal drugs or a bloody knife on a seat and under the "plain view doctrine" can seize these objects. Likewise, if an officer has reasonable suspicion a person in a public place has, is, or will commit a crime and may be armed and dangerous, the officer can frisk the person.

Laws exist concerning search and seizure (a Fourth Amendment right) as well as the use of the *Miranda* warning when a person is arrested: "You have the right to remain silent; anything you say can and will be used against you in a court of law; you have the right to an attorney; if you cannot afford an attorney, one will be appointed for you."

What about some standard procedures police should follow as to how they act?

Being a police officer can be dangerous and difficult. Officers are trained on how to approach people, including how to protect themselves and the citizen in an encounter. Even a routine traffic stop can turn deadly for an officer, so what may appear as offensive and unnecessary behaviors to you are just protective practices for an officer. A defensive posture is often maintained until the officer determines that a risk of harmful confrontation doesn't exist. You are the one most responsible for not escalating the event to more than what it really is.

How should I act when approached by the police?

Act calmly and respectfully since your first words often will set the tone of the encounter and the eventual outcome for both of you. The officer may take a defensive posture, but your best interests will be served if you understand that's part of the job. Even if you feel you are unjustly stopped or questioned by the police, now is not the time to argue the point. Your job is to minimize the potential charges against you, not to trigger an aggressive response and not to become another tragic headline story. What you can do is to act sensibly and within the following guidelines:

- Be mature and non-confrontational and answer questions factually, still knowing you need not answer any questions that could be used as testimony against yourself (Fifth Amendment right).
- Collect your thoughts and ask why you are being detained.
- Do not "bad mouth" the officer or take any threatening actions, including trying to get away.
- Obey the officer, such as getting out of a car if asked to do so, unless the request poses a threat to your safety. If so, ask that a supervisor be called.
- Keep your hands where the officer can see them (on the steering wheel if stopped while driving) and never touch the officer.
- Do not resist a pat-down search if the officer has a "reasonable suspicion" you are carrying a gun or illegal substance. You can argue the legality of the pat-down later.
- Hand over your car registration, license and proof of insurance if the police stop your car. Sign a ticket if you are issued one. It just signifies you acknowledge the receiving of it.

- Cooperate if you are pulled over in a car for suspicion of drunk driving. You are not required by law to submit to a test for OVI, but your driver's license will be suspended immediately because of Ohio's "implied consent law." What happens with that suspension and other possible penalties will be determined by the courts.
- Explain your side, if asked, but don't argue or complain. Anything you say can be used against you.
- Gather witnesses' names and numbers and record the officer's badge number and the patrol car's number if you want to respond later to improper and/or illegal police conduct (physical and/or verbal abuse).

What happens if I am actually arrested?

- You shouldn't argue or resist. At this point the police believe you have committed a crime and arguing the details won't mean they will release you.
- You'll be searched, handcuffed and taken to jail.
- You have the right to be told why you are being arrested.
- You should ask to see the warrant for arrest if the police have one.
- You will be told of your rights– the *Miranda* warning. If you don't understand any part of the warning, ask questions.
- You don't have to answer any questions until you have an attorney present. Ask for one immediately.
- You should contact by phone a responsible person. You are allowed more than one call to make contact.
- You should refuse to take any tests or sign any papers until you have talked to a lawyer. If you do so voluntarily, be aware that information can then be used as evidence against you in court.
- You should pay attention to everything that is happening to you and memorize the details. Such information could be useful to you and your attorney later.
- You should control your emotions as best as you can, especially if you are offended or angered by what is happening. Your response to any legal misconduct can be dealt with after you have talked to an attorney.

As an adult, a criminal conviction will follow you throughout your life. It can affect your ability to get a job, to get into college, or to join the military. For more detailed information check out online the Ohio State Bar Association's free guide, *Your Rights If Questioned, Stopped or Arrested by the Police*.

Handling Money Matters @ 18

Applying for credit cards, signing contracts, opening bank accounts and protecting your identity are challenging tasks when you turn 18. Being aware of how to handle these tasks is a way of establishing a strong, independent financial identity that will make your journey through life easier. Not being aware of the rules and restrictions of smart money management can be a nonstarter. Your options as to what you do with your money are many but establishing good credit (and keeping it) is closely connected to most of those decisions you will make.

What exactly is credit?

Credit allows you to buy and use goods or services now but pay for them later. You get a credit card (a type of a loan), for example, buy some groceries at the beginning of the month and pay for them when the credit bill comes due at the end of the month.

How do I get a credit card and how should I use it?

When you turn 18, you will likely receive multiple credit card offers in the mail. Now you can get a credit card, as well as other loans such as a car or a house loan, on your own without having someone cosign for you. You must prove you can make payments. Getting a job, keeping a savings accounts, using credit cards responsibly and paying your debts in a timely fashion is the name of the game. You also need to do the following:

- Don't sign up for a credit card without understanding completely the interest rates, payment dates, due dates, and service charges.
- Shop for the best interest rate and terms offered by a credit card company. You'll save money.
- Limit the number of credit cards you apply for. Start with one.
- Don't charge more on the card than you can handle or reasonably budget for each month. Running up excessive debt will get you in over your head.
- Don't make just the minimum monthly payment. It's best to pay off what you charge each month. You're paying interest (usually a fair amount) if you carry a balance into the next month's billing cycle.

What happens if I get behind on my payments or stop paying on my credit cards?

You increase what you will have to repay because the credit card company continues to charge interest on what you still owe, as well as late fees. If you miss multiple months, the amount due just keeps increasing and getting new credit for other needs may become nearly impossible. If you stop paying totally, card companies often turn the charges over to a debt collector. The problem does not easily go away.

What is a credit score?

Simply a predetermined number assigned by credit agencies reflecting a summary of what you owe to companies where you have credit accounts (monthly utility bills, rent, and credit cards, for example). The number also reflects your history of how promptly you pay your bills to these companies. The higher your score, the better your credit rating is; the lower the score, the less credit worthy you are which means you'll have trouble getting more credit and will be charged higher interest rates if you do get it.

How can I find out what my credit score is?

You are entitled to one free credit report every 12 months from each of the three major reporting credit agencies- Equifax, Experian, and TransUnion. AnnualCreditReport.com is a centralized service for requesting these free reports. Check your credit reports at least once a year for inaccurate information or for red flags that someone else may be using your identity to get credit without your knowledge. Report immediately to the credit agencies any mistakes or suspicious activity that may be affecting your credit rating negatively.

Can I improve a bad credit score?

Yes, but it won't happen overnight. The best way to protect and improve your credit rating is:

- Pay your bills on time.
- Pay off debt and do not acquire new debt. Use your credit cards responsibly.
- Get a steady income; stick to a monthly budget and live within your means.

What is a contract?

A contract is a legally binding agreement between two or more people that benefits all of them in some way. When you get a credit card, you are signing a contract. You get money when you need it. The company can charge a fee and interest on that money. Both parties win.

Will I be taking out other types of contracts?

Probably, since many of your money transactions really are contracts. When you take out a loan for a car or for college, buy something on an installment plan, rent an apartment, buy insurance or get medical care, you are entering a contract.

Does a contract have to be in writing?

No. Think about the number of times you loan friends money and hope their word to pay you back is good. That's an oral contract. Many contracts, however, to protect all parties, have to be in writing. Without a written contract, you may not be able to get other people to perform their part of the bargain if they choose not to fulfill the terms everybody has agreed to. They may not be able legally to do anything against you if you also renege on the agreement.

Can I be in trouble if I break a contract?

Yes, you could be sued and required to appear in court to answer to the claims made against you— serious consequences can occur. If you lose your case, you may be required to pay the judgment against you which can include interest, and, in some cases, the other side's costs and attorney fees. **Be aware that not understanding a contract's terms is not an excuse for breaking the agreement.** Of course, if you have an unpaid debt, the other party may agree to let you pay it over time. Just make sure the new agreement is in writing and signed by all parties.

So I am ready to sign. What should I do?

- Don't sign until you have read the contract, including the fine print.
- Understand completely the agreement before you sign. Ask questions.
- Talk to the other party about changing some of the terms (or deleting them) in the contract if you don't agree.
- Cross out or fill in all blank spaces before you sign.
- Get a signed copy of the contract and put it in a safe place.
- Don't be pressured or intimidated into signing a contract. Walk away if it doesn't seem right.

As a consumer, am I protected in any way when others cheat me in a deal or are dishonest?

You sure are. Both federal and state laws exist to protect you against fraud, deception and unfair business practices. In Ohio alone over 25 consumer protection laws are on the books to prevent you from being taken advantage of by telemarketers, for example, or by a car dealer who sells you a vehicle that has problems, covered by the warranty, that really impairs the use, value, or safety of the car (a lemon). If you think you are getting scammed, contact the Ohio Attorney General's Consumer Protection Section at 800-282-0515 or at www.OhioAttorneyGeneral.gov. You can also call the Federal Trade Commission's Consumer Response Center toll-free at 877-FTC-HELP (382-4357).

What should I learn before opening a banking account?

First, realize that banks have all types of accounts available; for example, one may just be geared towards students. Research your options at different banks (Federal Deposit Insurance Corporation approved banks, FDIC) to see what best suit your needs and ask questions about:

- The interest rate, fees and services available on the account.
- The availability of online banking and overdraft protection.
- The need to maintain a minimum balance in the account.
- The difference between an ATM card and a debit card and their fees.
- The steps the bank will take if you spend more money than you have in your account or if you bounce a check.
- The steps you need to take with the bank if you lose an ATM card, your debit card, or checks.

What should I know about identity theft now that my name is going to be on credit cards, contracts and bank accounts?

Identity theft is when someone else uses your personal identifying information unlawfully to get at money (yours included). It is a serious crime that millions of Americans fall victim to every year, costing billions of dollars and headaches as victims will spend a great deal of time getting their identities back.

How can others steal my identity?

Most thieves try to obtain your social security number, a credit card number, bank account number, or driver's license number to pretend to be you. Thieves will rummage through trash, take out letters from mailboxes, steal your wallet or skim encoded data off your credit card. They may also go "phishing" on the Internet by using misleading emails and/or fraudulent websites to trick you into giving them your personal data. They can plant "spyware" software and even will try to scam people by phone. Thieves are always creating new ways and new schemes to get at your money.

So how do I protect myself?

Complete protection is almost impossible as technology makes identity theft easier. But the following safeguards are where you should at least begin.

- Memorize your social security number and **never** carry your card in your wallet. Thieves love lifting a SSN off people to begin establishing false accounts under their names.
- Shred everything with personal information on it before it goes in the trash, including credit card offers (especially the pre-approved ones) you don't use. These are wonderful opportunities for dumpster divers to find your personal information so they can pose as you.
- Don't do anything sensitive on a public Wi-Fi network, especially online banking even if you think it is secure through encryption. Too many dangers exist in the open nature of the network that includes snooping or malicious hotspots.
- Check bills and bank statements as soon as they arrive in the mail. Look for unauthorized withdrawals or charges and report them immediately.
- Keep checking your free credit reports to see if your identity has been hijacked. You can rotate your three free reports, thus checking one every four months.
- Don't take the bait. By "phishing" online, through the mail and by phone, scammers will pump you for personal information by posing as a bank or a government agency, for example, or as legitimate businesses who want to give away fabulous prizes for the cost of a bank account number. If you didn't initiate the contact, hang up and don't click on any emails or links that seem...well fishy.
- Verify source requests as legit before sharing any personal data. Ask why they need the information, how it is going to be used, how it is protected and what happens if you refuse to share this information.

- Click with caution when shopping online. Check out websites before entering credit card numbers or other personal information.
- Protect your personal information on your computer. Use strong passwords (changing them often); use updated firewall, virus, and spyware protection; download software only from sites you know and trust.

What should I do if I think my identity has been compromised?

File a report immediately with your local police department or sheriff's office. Then contact the Ohio Attorney General's Consumer Protection Section and its Identity Theft Unit (www.ohioattorneygeneral.gov). This unit will help you to work with credit reporting agencies, creditors, collectors and any other entity that may be involved in helping you to get your identity back while remedying the damage that has been done. You can also visit the Federal Trade Commission's website (www.IdentityTheft.org) as a resource providing streamlined checklists and sample letters to guide you through the recovery process.

Moving Out @ 18

Renting an apartment or house while in college or when starting a job is often one of the first steps you might take at 18. Understanding the legal and financial consequences of such a step is a good place to begin before signing your name on any dotted line.

What's a lease?

A lease is a contract between you and your landlord allowing you to live in a rental property. It usually includes:

- The amount of your rent.
- The rent's monthly due date and where to send rent payments.
- The security deposit amount (upfront money given to the landlord to be used for property damages, unclean conditions and unpaid rent).
- Listing of utilities you are responsible to pay.
- The terms of who can live in the apartment or house.
- Your responsibilities as a tenant.
- Your landlord's responsibilities to you.

Unless your lease is for more than one year, it does not have to be in writing. *Getting a written lease is a good idea, though, because it will help protect you if you have problems or disagreements with your landlord in the future.* Even if you have a verbal agreement (oral lease), you have many of the same rights and responsibilities as someone with a written lease. If you sign a written lease, be sure to read it carefully before signing it and keep a copy for your records.

What are my responsibilities as a tenant?

Pay your rent in full and on time. You also are responsible for:

- Keeping the home safe and sanitary.
- Disposing of trash properly.
- Keeping the appliances, electrical fixtures and plumbing clean and in good working order.
- Not damaging the home or letting anyone else do so.
- Disturbing other tenants.

- Letting your landlord enter the home after 24 hours' notice.
- Making sure no illegal activity, such as drug use, takes place at the rental.

What happens if I don't pay my rent or pay it on time?

Your landlord can force you to leave the property– a court process called eviction. To evict you, the landlord must first give provide a written notice called a “notice to leave the premises.” Three business days after providing the notice the landlord can then file a lawsuit to evict you. You will be called to appear in court for an eviction hearing to tell your side of the story. If the court issues an order of eviction, you will have to move. If you don't move out by the deadline set by the court, a sheriff, police officer, or bailiff will remove you and your property from the premises.

Are there any other reasons I could be evicted?

Yes, for:

- Staying past the end of your lease, if your landlord gives you 30 days' notice to leave and you don't.
- Not fixing a problem that you caused and that affects health and safety.
- Violating a term of your lease.
- Violating Ohio's drug laws.

Is there any way to prevent eviction?

Yes. Pay your rent on time. If your landlord has already started the eviction process, though, you may have some defenses to keep you in your home.

- You offered to pay your rent in full and on time, but the landlord refused it.
- You paid all or part of the rent after receiving notice to leave the premises and your landlord accepted it.
- Your landlord is trying to evict you because you reported health or safety conditions of the home to authorities or because you exercised any of your tenant's rights.
- Your landlord did not give you a notice to leave the premises before filing the eviction suit.
- Your landlord is discriminating against you because of race, sex, disability, religion, national origin, or familial status.

If any of these defenses apply to you, you'll need to bring proof (such as receipts, reports made to housing authorities, or canceled checks) with you to court to show the judge.

What's my landlord required to do for me?

- Repair the apartment to keep it in a livable, healthy and safe condition.
- Make sure electrical, plumbing, heating, and ventilation systems work.
- Keep public areas of the building clean and safe.
- Give at least 24 hours' notice before entering the home (unless there's an emergency) and only enter at reasonable times.
- Evict you if they know that any illegal drug activity is taking place on the property.

Is there anything my landlord can't do?

- Evict or threaten to evict you, increase your rent during the term of your lease, or stop providing services just because you complained about the condition of the home.
- Change your locks or shut off your utilities to try to get you to move out.
- Constantly demanding to enter the home at unreasonable times or without a proper purpose.
- Make you leave or remove any of your property from the home without a court-ordered eviction.

What if my landlord doesn't do what he or she is supposed to?

- Keep paying your rent in full and on time.
- Try to resolve the problems.
- Keep records of your requests.
- Contact the local housing inspector, health department, or building inspector to look at the dwelling and send the landlord notice of any code or law violations.
- Seek legal advice about what other steps you can take if problems still exist.

What if I want to move out before my lease is up?

In most cases you are still responsible for paying rent until the end of the lease term, even though you aren't living in the home. If the landlord agrees, you could sublet (let someone else live there) who pays the rent. Check the terms of your lease to see if you have any other "outs" based on the landlord not holding up the landlord's responsibilities in the lease. You also might work out a new agreement with the landlord. Make sure you get any changes in writing and signed by the landlord!

Should I give advanced notice when I plan to leave and end my lease?

Yes. Your lease should state what a reasonable notice is as well as the steps your landlord expects you to complete at the end of the lease (walk-through inspection, turning keys in, etc.). Usually the notice is a length of one rent period (30 days if paid monthly; 7 days if paid weekly). Some leases automatically renew if you don't provide notice. If you vacate without sufficient notice, the landlord can keep part of your security deposit for rent owed and might be able to sue you for additional money.

If I sign a lease with friends and they move out, am I responsible for the full rent?

This is a good question to ask before you sign any lease. In many cases you probably will have to pay the full amount so check the details carefully and chose your roommates wisely. Suing roommates for money after you have had to pay it is costly and a hassle.

How do I get my security deposit back?

To have the best possible chance of getting your deposit back, make sure you:

- Inspect the rental to make sure all appliances work *before* you move in, take pictures of any damage, and report it to the landlord.
- Remove all of your belongings and dispose of all trash.
- Clean the home before you move.
- Conduct another inspection after you've moved everything out– take pictures and note damages.
- Provide the landlord with a forwarding address to receive mail after you have moved.

Your landlord can keep your security deposit if you owe any back rent, back utilities, or there is damage to the property. If none of these apply, the landlord is required to return your security deposit to you within 30 days of your move. If the landlord is not returning your full deposit, he or she is required to send you a written statement explaining how the deposit was applied to debts you owed or damages you caused.

Managing Medical Issues @ 18

The pain of going to an emergency room for a broken leg or some other medical emergency is trying enough without factoring in how insurance and you will pay for it. Planning about medical decisions before emergencies happen can be confusing and problematic. Knowing your rights and responsibilities concerning medical care, however, is an essential first step to take before you are hurting and need medical help.

Can my parents' medical policy still cover me even if I am 18?

Yes, until you are 26 as long the policy premiums are paid. Even if you go to school, get married, get a job, aren't claimed as a dependent on their tax return or even turn down employment-based health insurance, you can still use their policy if you and your parents agree and their plan covers dependents.

What if I am on my own?

The Affordable Care Act, also known as "Obamacare" makes affordable health insurance available to many people. The law provides consumers with subsidies that lower costs for households with incomes between 100% and 400% of the federal poverty level, protects people with preexisting conditions so they can access health coverage, and supports innovative medical care delivery methods meant to lower the costs of health care in general.

What if I can't afford health care on my own?

Check out your health care options by researching them at www.HealthCare.gov to see if you qualify for assistance or Medicaid based on your projected income. In addition to a qualified health care plan, you may also want to investigate health savings accounts, a high deductible health plan, or a catastrophic plan (exemption required).

What is HIPAA and why should I care?

HIPPA is shorthand for the Health Insurance Portability and Accountability Act. Its Privacy Rule, however, is what affects you most when you turn 18. The rule simply prevents doctors and hospitals from sharing any of your “individually identifiable health information” to any third party without your expressed written consent. That includes your parents even if you are covered by their insurance policy.

Will the doctors and the hospital still talk to my parents, my roommate or significant other about my condition?

Probably not, unless you have authorized in writing such disclosure before a medical issue arises.

So what if I am in a hospital heavily sedated and unable to talk? Can't trusted people in my life find out what's going on with me?

Not really until you sign a release allowing health care providers to talk to them. They can go to the hospital to see you but that's about all.

What can I do to have others intervene on my behalf?

You can set up an Advance Health Directive which has two basic parts:

1. The Health Care Power of Attorney is a statement letting medical care providers release your personal health care information to people you choose as well as to allow these people to make health care decisions for you if you cannot.
2. The Living Will also is a statement enabling you to dictate end-of-life decisions regarding your health care if you are terminally ill.

Aren't these decisions really for the elderly?

Think car accident. Think work-related accident. Think about a medical problem that now manifests itself as you get older. Think about your loved ones being hours away or several states away when you are taken to a hospital. Odds may be in favor of the young but reality about playing those odds is in your hands. These are human decisions, not age-related ones.

Do I need both a Power of Attorney and a Living Will?

You at least need a Health Care Power of Attorney. If you don't have one and are unable to communicate health care decisions for yourself, the Probate Court can assign you a guardian. Someone eventually will make decisions for you but that may not be the people who care most about you.

A Living Will communicates to health care providers in writing what they are allowed to do with end-of-life medical care. For example, you may include a DNR (do not resuscitate) in this document, a decision made by you that you want your loved ones and medical personnel to honor.

What if I am coping with some mental health issues or drug-related issues? Can I get other people involved in making decisions regarding my care?

Yes, of course. Ohio law also provides for Declarations for Mental Health Treatment with a similar purpose as a Health Care Power of Attorney— you decide treatment preferences and identify people to assist you in making decisions, especially since mental illness is often cyclical in nature.

What do I do with all of these documents once I make my decisions?

- Make several copies.
- Keep one for yourself but give one to a trusted family member.
- Give a copy to whoever is your Health Care Power of Attorney designee.
- Leave a copy with your physician.

Considering Sex @ 18

At 18 the dating scene may seem wide open and defining the kind of relationship you want with others may seem like a rite of passage. It's not that easy, however. Maybe you already know someone who has been a victim of a date rape or who has had to endure an inappropriate sexual come-on when things have gotten out-of-hand. Laws exist to protect individuals in sexual situations and ignorance of those laws won't prevent trouble for others or you if the wrong decision is made.

Can we have sex if one of us is younger than the other?

In Ohio it is illegal for someone 18 or older to have sex with someone under 16 even if the relationship is consensual. The law is meant to protect those who may be physically capable of sex but who are considered too young to make informed decisions. This law also means to protect young people from sexual exploitation or abuse by adults, which includes 18-year-olds. You could be charged with unlawful sexual conduct with a minor.

What is sexual battery?

Unwanted sexual conduct can be either a crime of sexual battery or rape. If there is a threat of force (verbal and/or physical) as part of the assault, it's rape. Even within marriage, sexual battery (as well as rape) can be levied against a spouse. If the victim is unconscious or too drunk to consent, you can be charged with either sexual battery or rape.

Sexual battery doesn't have to be just unwanted sexual contact if it is committed by a parent or person of authority (teacher, coach, etc.) or with someone who has a mental or physical condition making them unable to consent. In the case of a person of authority, it doesn't matter if the conduct was wanted or not. If the power dynamic is so unbalanced, the consensual sexual activity is still illegal.

What are the penalties?

Circumstances of the crime always determine the penalties. The age of the person, the threats made, the use of a weapon and the personal injury occurring are all factors in determining the sentencing if found guilty. Fines and/or jail time (one year to life), sentences without probation or parole, registering as a sex offender and undergoing treatment as a sex offender can all be imposed under Ohio law.

When does “no” mean “no?” When does “yes” mean yes?”

When accused of sex offense, a defendant often claims that the sexual activity was consensual, but significant questions arise as to what constitutes consent or refusal. Does the actual word “No” have to be spoken or must the victim object more vigorously.? Lack of protest (including keeping silent) or lack of resistance does not necessarily mean consent. On some college campuses the question is being rephrased. An affirmative response must be given by both parties to signal consent, but consent can also be withdrawn at any time. Current or past sexual encounters with the person do not constitute consent and the taking of drugs or drinking of alcohol does not relieve one of the obligation to obtain consent. The best scenario is not to be in a situation having to defend against “no” meaning “no” or “yes” meaning “yes.”

What is “date rape”?

Date rape (also called “acquaintance rape”) is not a legal term. It does describe, however, forcible sexual intercourse between two people who have a pre-existing relationship. That pre-existing relationship may be nothing more than going out on a date. Unfortunately, a common misconception is that nonconsensual sex is only considered rape if the perpetrator is a stranger. Most rapes, however, occur between people who know each other. Defending yourself against date rape is difficult since witnesses or physical evidence usually don’t exist. It often becomes a “he-said-she-said” scenario about whether the sex was consensual. Under Ohio law if sexually activity is forced upon another individual without consent, even if the parties are acquainted or have engaged in previous sexual encounters (this also includes marriage), it is still rape. But also, under Ohio law if someone is falsely accused of date rape, the accuser can be punished.

What are “date rape” drugs?

Also known as “club drugs” date rape drugs such as GHB, Rohypnol and Ketamine, are slipped into a victim’s drink to make them physically helpless and amnesic, thus paving the way for a sexual assault. Tougher penalties can be imposed if you are convicted of using drugs to force a sexual act. To prevent becoming a victim, protect yourself.

- Own your drink.
 - Open containers yourself.
 - Don’t accept drinks from others.
 - Don’t share drinks.
 - Pour out unattended drinks.
 - Don’t drink from a punch bowl.
 - Don’t drink something that smells or tastes funny.

- Have a non-drinking friend with you to prevent unwanted consequences.

If you do think someone has slipped you something, you should:

- Call 911 for an ambulance or have a friend drive you to the hospital.
- Bring the drink along, if possible.
- Ask to be tested for date rape drugs immediately.
- Ask to be examined for a possible sexual assault.

Getting Married and/or Having Kids @ 18

From 18 on saying “I do” to a loved one is your decision alone, no need for parental consent. Of course, having your parents’ approval is an extra blessing, especially if you are still living in their home or being claimed as a dependent. That “I do,” however, is governed by state laws that are now in your hands to fulfill.

If I want to get married, where do I begin legally?

- Obtain a marriage license from the probate court in your county. Most courts require both parties to appear. None will be issued if either one of you is under the influence.
- Have someone authorized (clergy, judge, mayor) marry you within 60 days.

Do we own things jointly once we are married?

Basically, yes, since both of you are earning money or buying items as a couple now. This “community property” doesn’t include any assets owned by either of you before the marriage or an inheritance either of you have or may get. Getting married also does not mean you are liable for any debts or obligations your spouse brings into the marriage.

If I get married, do I have to support my spouse?

Both spouses are responsible for supporting each other and any children (your own or adopted) living with you. If your spouse is unable to support himself or herself, you must do so to the best of your ability.

If the marriage doesn't work out, I can always end it, right?

Yes, but it may not be simple to do. You can end a marriage by dissolution if you and your spouse agree on terms. This includes division of community property, allocation of debts, child support, parenting time and other parental issues. If you don’t agree, you file for divorce and let the domestic relations court decide the disputed issues.

What if I don't get married, but have a child? Do I still need to support that child?

You will have to contribute to the support of your biological child until the child turns 18 or ceases to be full-time high school student, whichever happens later.

What if I just sign off my rights to my child? Do I still have to pay child support?

Yes, you are still obligated unless someone else seeks to adopt your child and you consent to the adoption.

Need More Information to Go FWD@18?

The Ohio State Bar Foundation knows these materials will help you move forward into adulthood with greater confidence. However, you may still have questions about Ohio laws as they pertain to specific issues. The Ohio State Bar Association publishes free pamphlets for the public with more detailed information as well as a referral list of lawyers who can address your individual needs. You can reach it at www.ohiobar.org or (800) 282-6556.

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