

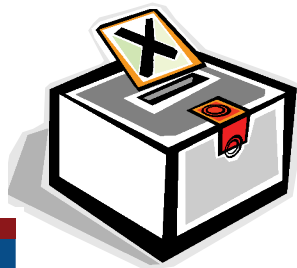
Reaching the Age of Majority

Your Legal Rights and Responsibilities

**A Law-Related Education Project of the
Nebraska State Bar Foundation**

Underwritten by:

**The Marvin and Virginia Schmid
Law-Related Education Endowment**



ACKNOWLEDGMENTS

The Nebraska State Bar Foundation would like to acknowledge the generous financial support of Past President Marvin Schmid and his wife, Virginia, through their substantial underwriting of the Age of Majority Booklet.



*“I became interested in the Nebraska State Bar Foundation when Tom Davies was President and he asked me to be a candidate for vice president...Tom held the view that both the membership and contributions should be enlarged and he set a course to implement this view...This (Roman L. Hruska Law Center) truly was the catalyst for the program upon which today’s highly respected and successful Foundation was built. What the Foundation is today is a happy and persuasive illustration of what can be done by members of the Bar Foundation...in pursuit of meritorious programs under dedicated, able, imaginative leadership.
I am proud to be a member of the Bar Foundation.”*

As quoted by
Marvin G. Schmid, President (1977-1979)
In September 1998

The Marvin and Virginia Schmid Law-Related Education Endowment supports teaching Nebraska youth their rights and responsibilities as they enter the Age of Majority.

The Bar Foundation is the designated Nebraska Center for Law-Related Education (LRE) for the Public and serves thousands of our state’s citizens through its LRE programs. In 2003, the Foundation began its Legacy of Liberty program to promote and create support for LRE. Virginia Schmid is a member of the Legacy of Liberty Stars and Stripes Society. Some of the programs include the State High School Mock Trial Project, Reaching the Age of Majority booklet, the ABA award-winning Law Day Essay Contest for 7th through 12th graders, Law Day Job Shadowing for fifth graders, We the People: The Citizen and the Constitution, Constitution Day, Teen Parents and the Law (TPAL), PEOPLE committee, and You the Juror Orientation video.

Reaching the Age of Majority is an incredible resource to benefit families and schools while educating Nebraska youth. The booklet can be used to begin a discussion on the effects of your credit, landlord tenant laws or the laws surrounding technology, etc

ACKNOWLEDGMENTS

The Nebraska State Bar Foundation is pleased to publish the booklet, *Reaching the Age of Majority*, for Nebraska's young adults. The Foundation is a charitable education organization committed to improving the administration of justice as noted in its Mission Statement.

Mission Statement

To serve the citizens of Nebraska and the legal profession through administration and funding of innovative and creative programs directed toward the improvement of the administration of justice and the fulfillment of the American vision of equal justice for all.

This booklet has been reviewed by the following:

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The Nebraska State Bar Foundation gratefully acknowledges the outstanding efforts of Marc W. Pearce and Keith T. Peters who served as co-chairs of the *Reaching the Age of Majority* revision.

The original edition of the *Reaching the Age of Majority* booklet was printed in 1994. This booklet has recently been reviewed and updated to reflect Nebraska's current law and policy. Approximately 100,000 copies have been distributed to high school seniors to help them understand their rights and responsibilities. The section on credit comes from a publication entitled *Consumer Handbook to Credit Protection Laws*, published by the Board of Governors of the Federal Reserve System.

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History

A vision of establishing a futuristic organization was realized by seven men on November 20, 1963. The Nebraska State Bar Foundation was incorporated as a 501(c)(3) charitable and educational organization to serve as the philanthropic arm of Nebraska's legal profession. The Bar Foundation continues to give back to the legal profession and the general community to benefit the citizens of Nebraska. The Foundation's goals are complemented by its Law-Related Education projects.

Foundation Goals

- Advance the science of jurisprudence;
- Promote and improve the administration of justice;
- Uphold high standards for the judiciary and lawyers;
- Facilitate understanding of and compliance with the law; promote study of the law, research and diffusion of knowledge thereof;
- Publish and distribute addresses, reports, treatises and other literary works on legal subjects, and acquire, preserve, and exhibit rare books and documents, objects of art, and items of historical interest having legal significance or bearing on the administration of justice;
- Aid the charitable and welfare purpose of Nebraska lawyers in active practice and their families through the relief of the poverty of such lawyers and their families; and
- Provide for, furnish or manage any building, lands or grounds relative to the administration of justice and the improvement of the service rendered to the public by the judiciary.
- Do and perform all acts and things that are legitimate and are reasonably calculated to promote the interest and carry out the purposes of this organization.

Many lawyers, judges and interested people generously provide financial support to the Bar Foundation, and this backing enables the Foundation to fund a variety of Law-Related Education programs and projects. The support is derived from the Foundation's Fellows Program, Memorial Program, and Legacy of Liberty program. Members who voluntarily give Contributing Dues (\$25), Sustaining Dues (\$75), or Enhanced Fellow Dues (\$100) generate another source of revenue. Additionally, a Planned Giving Program has been developed to ensure that the Foundation's purpose will be carried out in the future. All levels of giving are essential for the Foundation to completely fulfill its mission and to underwrite worthy Law-Related Education projects and programs. The Foundation is a 501(c)(3) corporation, and donors receive a tax deduction on all gifts as allowed by law.

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INTRODUCTION

Many high school graduates will soon pass from being a minor to an adult. In Nebraska, you are considered an adult for most purposes when you reach the age of 19. You will find that you have many legal rights and responsibilities when you reach 19 years of age. However, there are also some rights and responsibilities that you will want to be aware of when you turn 18.

The booklet is not intended to serve as legal advice, but rather to inform you of rights and responsibilities. It was not possible to cover every area of the law you may encounter. If you have specific questions on the subjects covered in this publication, you can refer to the Resource section of the booklet or contact an attorney.

What are some of the rights at age 18?

- Applying for credit in your own name
- Filing a lawsuit
- Making a will
- Voting
- Making a contract (rent an apartment, buy a car, take out a loan) in your own name
- Becoming personally responsible for the obligations of contracts you make
- Making health care decisions

What are some of the responsibilities at age 19?

- Becoming eligible for jury duty
- Becoming legally independent from parental control
- Becoming self-supporting (parents are no longer required to support you)

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ALCOHOL

What is the legal drinking age in Nebraska?

You must be 21 years of age to drink alcoholic beverages in the State of Nebraska.

What is DUI and what are the penalties for it?

In Nebraska, it is illegal to operate or be in control of a motor vehicle while under the influence of alcohol or drugs, and any person discovered to be doing so will be cited for DUI (driving under the influence).

DUI carries enhanced penalties for each succeeding offense:

	1st Offense		2nd Offense		3rd Offense	
	BAC > .08	BAC > .15	BAC > .08	BAC > .15	BAC > .08	BAC > .15
License Revocation	6 months	1 year	1 year	1 to 15 years	15 years	15 years
Fine	\$400-500	\$400-500	\$500	up to \$1,000	\$600	up to \$10,000
Jail Time	7 to 60 days	7 to 60 days	30 days to 6 months	90 days to 1 year	90 days to 1 year	180 days to 5 years
If Placed on Probation (revocation / fine / jail or community service)	60 days / \$400	1 year / \$500 / 2 days jail or 200 hours cs	1 year / \$500 / 10 days jail or 240 hours cs	1-15 years / \$1000 / 30 days jail	2-15 years / \$600 / 30 days jail	5-15 years / \$1000 / 60 days jail
	4th Offense		5th Offense		Note: BAC = Blood Alcohol Content CS = Community Service If a person refuses to be tested, the penalties for a BAC > .15 will apply. In some cases, the court may also order immobilization of a vehicle, installation of an ignition interlock device or an alcohol monitoring device.	
	BAC > .08	BAC > .15	BAC > .08	BAC > .15		
License Revocation	15 years	15 years	15 years	15 years		
Fine	up to \$10,000	up to \$25,000	up to \$25,000	N/A		
Jail Time	180 days to 5 years	1 to 20 years	1 to 20 years	1 to 50 years		
If Placed on Probation (revocation / fine / jail or community service)	15 years / \$1,000 / 90 days jail	15 years / \$1,000 / 120 days jail	15 years / \$1,000 / 180 days jail	15 years / \$1,000 / 180 days jail		

What is the ALR (Administrative License Revocation) procedure?

An ALR suspension is distinct and separate from any suspension imposed by a court. When stopped by a law enforcement officer for suspicion of DUI, your license may be suspended by the Department of Motor Vehicles (DMV) for a period of 90 days.

This suspension begins 30 days from the arrest date. A subsequent ALR suspension carries a one-year license suspension.

You may apply for a probable cause hearing with the DMV within 10 days from the date of arrest. All information regarding this procedure is listed on the back side of the temporary license given to you. The director of the DMV is responsible for determining if probable cause existed for the stop based on testimony from the arresting officer, you, and any other witnesses who provide testimony. If the DMV finds probable cause did not exist, your license will be returned and the ALR suspension will not be in effect.

You may apply for a work permit 30 days after your license is revoked. However, you may not qualify for a work permit if this is a second ALR suspension. Contact the

DMV for information on how to apply for a work permit and the costs involved. A work permit may be used to commute back and forth to work only and so long as you are not suspended by the court.

Upon conviction for DUI, you will be given credit for any time you have served under the ALR suspension, even if a work permit has been issued.

Does Nebraska law say anything about blood alcohol concentration for minors while driving?

In addition to the criminal offenses already explained, if you are under 21 years of age and found to have a blood alco-

hol concentration over .02, you can lose your license for 30 days on a first offense.

When is a minor considered to be in possession of liquor or beer?

A minor may not sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor. This includes situations where a minor's blood alcohol concentration is greater than .02. If a minor is found to be in possession of alcohol, he or she may be punished with up to three months imprisonment and/or a \$500 fine.

Are there situations where an underage person may legally have contact with liquor or beer?

Yes, Nebraska has several exceptions:

- You may have contact with alcohol before your 21st birthday when the alcohol is part of a bona fide (authentic) religious celebration.
- If you are at least 16 years old and accompanied by a non-minor, you may carry out beer and liquor from an establishment.
- If you are a minor at least 16 years old and it is within the

ALCOHOL (continued)

course of your employment, you may handle, remove, dispose of, or stock alcohol beverage bottles.

- If you are at least 19 years old, you may serve and sell liquor if it is within the course of your employment.
- Also, you may consume or possess alcohol within your permanent place of residence.

If you are underage, can you be in an establishment that serves alcohol?

There are currently no state laws or regulations restricting the age of a person permitted in businesses that serve alcohol. However, it is important to be aware that there may be local laws that restrict such activity.

What are some additional ways a minor can violate Nebraska's drinking laws?

- Misrepresenting your age in an effort to obtain alcohol is punishable up to three months imprisonment and/or a \$500 fine.
- Also, creating or altering any form of identification that may be used to establish age for purposes of purchas-

ing alcohol is punishable up to one year imprisonment and/or a \$1000 fine.

- When a minor is charged with either of these crimes, the police officer is required to make a reasonable attempt to notify the minor's parent or guardian of the arrest.
- It is also illegal for a person of any age to have an open container of alcohol in a vehicle while on a public highway or parking area.
- In addition, cities and counties are allowed to pass and enforce local laws to control the consumption and possession of alcohol by minors.

Are there laws about tobacco like those for alcohol?

Nebraska makes it a crime for you to use tobacco (in its various forms) if you are under 18 years of age or to misrepresent your age to obtain tobacco. In either situation, the possible penalty is a fine of up to \$100 for the minor using or buying the tobacco and up to three months in jail and/or a \$500 fine for the person selling to the minor.

ALTERNATIVE DISPUTE RESOLUTION

What is Alternative Dispute Resolution (ADR)?

People who are having a conflict with others sometimes go to court to try to have a judge solve the problem. However, going to court, also called "litigation," can be time consuming, costly, and doesn't always solve the underlying problem between the people themselves.

Alternative dispute resolution (ADR) is a term used for alternative ways to handle conflict outside of court that are often less stressful, less costly, and more convenient. One common ADR approach is called "mediation." In mediation, a neutral mediator meets with each person in the conflict to learn about the problem and how it affects the person. The mediator helps each person identify possible solutions. The mediator helps the people decide whether to meet face-to-face in a safe place to talk through the problem. The mediator then listens, asks questions, and assists each person to come up with possible solutions. The mediator, unlike a judge, does not tell people what to do and does not impose a decision. Rather, the decision to agree or disagree, to apologize or not, is entirely up to each person in the mediation. If the people want the mediator to help them write up an agreement, that can be done.

While some court cases use mediators, mediation is also often used before a court case is filed. Individuals, family members, co-workers, or neighbors can call a media-

tion center or a mediator to ask for help early on – way before a conflict has to go to court. Some schools have taught students to be peer mediators who help classmates resolve disputes. The list of Nebraska's approved mediation centers can be found at this link: <http://www.supremecourt.ne.gov/mediation/center-locations.shtml?sub7>

Other types of ADR include negotiation, arbitration, and facilitated rule making. Those are described below.

What is the Nebraska Office of Dispute Resolution?

The Nebraska Office of Dispute Resolution (ODR) is part of the Administrative Office of the Nebraska Supreme Court. Its purpose is to oversee the development of dispute resolution, with a focus on non-profit mediation centers and court-connected programs. There are six regional mediation centers approved by ODR and a few programs established by local courts. There are also a number of independent mediators and arbitrators located throughout the state.

What are some examples of the ADR process and how they might be used?

- Negotiation. One-to-one discussion. People in conflict themselves discuss issues and their needs in an effort

ALTERNATIVE DISPUTE RESOLUTION (continued)

to resolve a disagreement. For example, a tenant and landlord might discuss issues about repairing damage to see if those issues can be resolved. Sometimes people have advocates to help them negotiate. Examples of people who may serve as advocates include attorneys, consumer advocates such as the Better Business Bureau, or advocates for particular groups such as the Hispanic Center.

- **Mediation.** Mediation has been described briefly above. In mediation, people use help from a neutral person to engage in discussions to explore their interests and needs in an effort to reach an agreement. The neutral person helps the people communicate and guides them through the problem-solving process but does not make decisions for them. One example would be when divorcing parents ask a mediator to help them develop a shared parenting plan after the divorce. Another example would be a dissatisfied customer and a business asking a mediator to help them resolve the dispute. There are several different types of mediators, and you will want to choose one whose style fits your needs. Mediator styles include facilitative, evaluative and transformative. The facilitative-style mediator provides a process where parties can discuss the problem and work together toward an agreement. Based on his or her own experience, an evaluative mediator assists the parties to evaluate the strengths and weaknesses of their case and encourages parties to settle, often through the use of private meetings or “shuttle diplomacy.” A mediator in the transformative style will make observations about the way in which the disputants are communicating and help them feel empowered to solve the conflict and to recognize the “humanness” of the other party.
- **Public Policy Facilitation.** A neutral facilitator helps a group solve problems by controlling the flow of discussions, setting a constructive tone, and helping the group

focus on important items. This is sometimes referred to as Negotiated Rule Making. An example is when a government agency asks members of the public to participate in making policy decisions such as “how should underground storage tanks at gas stations be regulated?”

- **Arbitration.** Arbitration is a semi-formal process of dispute resolution in which a neutral person is selected to decide the outcome for the parties. The parties may decide beforehand whether the arbitrator’s decision will be binding (enforceable) or non-binding (advisory). Parties are often represented by attorneys. An example would be when a person with insurance and an insurance company disagree about whether some expenses are covered by an insurance policy and ask an arbitrator to decide the issue.

Who are the mediators, facilitators and arbitrators?

Mediators and facilitators come from a wide range of backgrounds and professions.

They are located in every region of the state. Some are volunteers, and some are paid. Most mediators take at least 30 hours of training approved by the Office of Dispute Resolution. There is also an apprentice period where they practice with more experienced mediators and facilitators. Mediators are often affiliated with one of the six ODR-approved mediation centers. There are also independent mediators and mediators who work in court-connected programs.

Arbitrators are often attorneys or retired judges. They must have a great deal of experience with the subject of the dispute and often specialize, arbitrating only certain types of cases. Arbitrators are often members of organizations like the American Arbitration Association (AAA) or the Association for Conflict Resolution (ACR).

BANKING

May I open a bank account?

Yes. Under Nebraska law, persons of all ages may have a bank account. However, individual banks may have age restrictions on opening certain accounts at their bank.

What things should one consider before opening a bank account?

- What is the minimum balance on the account?
- What is the interest rate of the account?
- Is there a monthly service charge on the account?
- What are the fees for ATM and check usage?

What happens when a check bounces?

A person who writes a bad check knowing that he or she does not have sufficient funds in or credit with the bank for payment commits the offense of issuing a bad check. Issuing a bad check is classified as a misdemeanor or a felony depending on the amount of the check. A person may also be ordered to make restitution and pay any reasonable handling fee and \$10. Neb. Rev. Stat. § 28-611.

CELL PHONES

Are there any laws concerning cell phones?

It is illegal to use a cell phone or other wireless device to text while a motor vehicle is in motion. The violation results in fines and points on a driver's license. Using a cell phone is a great way to keep in touch with your family and friends, but you must follow a few safety and etiquette rules to be a good cell phone citizen.

The following tips may be useful:

- Do not dial, text, or talk while driving. In Nebraska, it is illegal for any person with a POP license, learner's permit, or school permit to drive while using a cell phone. While it is not illegal in Nebraska for a person with an operator's license to use a cell phone while driving, it is very dangerous and is illegal in some states.
- Keep calls short and avoid talking too loud in public.
- Refrain from talking on your phone as a courtesy in places such as churches, restaurants, movie theaters, and anywhere else where it would be a nuisance. It may be necessary to turn off your phone or place it on silent or vibrate.
- Be aware of your surroundings and avoid talking about private issues on a cell phone.
- Never interrupt a face-to-face conversation by answering your cell phone.
- Always check for cell phone regulations in any public places such as museums, doctor offices, sporting events, hospitals, libraries, and elevators.

What if my cell phone has a built-in camera?

If your phone has a built-in camera, you may not be able to enter certain buildings, such as a courthouse or your

school. You should check with the local officials concerning any city ordinances prohibiting cell phones with cameras. You should never take a picture of anyone with your phone without his or her permission.

Can I carry my cell phone anywhere?

You can usually take your cell phone anywhere, but as a student, the possession of a cellular phone or pager may not be allowed. Check with your school's code of conduct for the specific local policy.

Am I at risk of identity theft while using my cell phone?

Yes, any form of wireless communication can lead to identity theft or access to your personal information. To prevent this risk, follow these guidelines:

- Only give your cell phone number out to people you know and trust.
- Never reply to a text message from someone you do not know.
- Learn how to block unwanted callers.
- Keep your phone in a secure place at all times to prevent theft.

CONSUMER PROTECTION

How can you be a smart shopper?

When you are shopping for a product or service – clothes, stereos, computers or software – there are simple rules to keep in mind. If you follow them, you will get more for your money.

- **Shop and compare.** Do your homework. Shop around and compare products on the basis of features, warranty protection, servicing, and price. The cheapest buy is not always the best buy. Use the yellow pages and magazines such as *Consumer Reports* to help you. *Consumer Reports* and similar information can be found at your local public library. Do not rely solely on the salesperson or the seller's web page for your information.
- **Deceptive advertising.** Don't fall for it!!! Advertisements can provide useful information, but too often they ap-

peal to your emotions and desires. State laws exist to protect you from false advertising and are enforced by the Attorney General. If you run across a contest or "get rich quick" scheme that seems too good to be true, it probably is.

- **Keep good records.** Keep copies of all contracts, receipts, warranties, leases, and all notes and letters you have written regarding the product or service. Make notes of telephone calls, when they occurred and with whom you spoke. Keep records of payments (canceled checks, receipts, and credit card records), maintenance, repairs, and other information. It is important to maintain these records. Software is available to help you organize records, and it can be quite useful.

What is a warranty?

A warranty is a “guarantee” or promise covering the item you have purchased. It is a statement about the manufacturer’s confidence in the product. Be sure you read and understand the warranty. The merchant must make all warranties available to you before the sale. If you purchase a product “as is,” you are getting no warranties or promises as to the condition of the product, nor do you have a right to return it or have it repaired.

What does a warranty guarantee?

A warranty guarantees the quality and dependability of the product or service. Be aware that a warranty may seem like it promises a great deal when in fact it promises very little. A warranty may be “full” or “limited,” and it may be oral, written, or implied.

- **Full and limited warranties.** A seller must declare whether the warranty you are receiving is full or limited, and the distinction is an important one. A full warranty gives you the best protection. The dealer or manufacturer must try to fix problems with the product within a reasonable time. If it cannot be repaired within a reasonable time, your money will be refunded or you will be provided with a replacement without charge. If a product has a full warranty, you should not be charged for parts or labor to repair it.
- **A limited warranty** is anything less than a full warranty. For example, the seller may pay for replacement parts, but you would be required to pay for labor. If the seller cannot fix the product after a reasonable period of time, you may be entitled to return of your money or a replacement. Most warranties are limited.
- **Oral, written, and implied warranties.** An *oral warranty* is simply the seller’s spoken promise that you rely on when deciding to buy a product. Oral warranties are binding, but hard to prove. It is best to get warranties in writing. The law does not require the seller to make a *written warranty*; however, if the seller does have a *written warranty*, it must be available for you to read before you purchase the item. It must be clearly written, and must include the following:
 1. Name and address of the company making the warranty
 2. The product or parts covered
 3. Whether the warranty promises replacement, repair or refund

4. If there are any expenses (such as shipping and labor) you must pay
5. How long the warranty period is
6. Repairs not covered by the warranty
7. Action you should take if something goes wrong
8. How the company providing the warranty intends to settle a dispute
9. A brief description of your legal rights

A third type of warranty is both unwritten and unspoken. It is called an implied warranty. It means that the item you purchase must operate in the manner it was intended.

What is a Lemon Law?

Lemon Laws exist in many states, including Nebraska, to provide an additional protection for consumers who are unsuccessful with motor vehicle warranties provided by the manufacturer or dealer. Under the Nebraska Lemon Law, if the motor vehicle does not conform to express warranties and the problem has been reported to the manufacturer or dealer within one year (or within the term of the express warranties, whichever date comes first), the manufacturer or the dealer must make repairs necessary under the terms of the warranty. If the repairs cannot be made and the condition impairs the use or market value of the vehicle, the manufacturer eventually must replace the motor vehicle with a comparable one or refund you the full purchase price, including all taxes and fees (with a reasonable deduction for your use of the vehicle). The Nebraska Lemon Law does not apply to used vehicles sold without a warranty, because those vehicles are sold entirely “as is.” Consult an attorney if you feel the vehicle is covered by the Lemon Law.

Attorney General Consumer Protection Division

The Nebraska Attorney General has a Consumer Protection Division. This division enforces some laws to protect consumers. The Attorney General represents the state and not individuals. The Consumer Protection Division can be reached by phone at 402-471-2682, or toll free at 800-727-6432.

What is a contract?

A contract is an agreement between two people where each person receives a benefit.

Can I make a contract before turning 19?

Yes, minors can make contracts before turning 19. A person 18 or older may enter into a binding contract or lease. Contracting for certain "necessaries," however, presents a special case in which minors (or their parents) are responsible for the value of necessities furnished to the minor.

Do all contracts have to be in writing?

No. Most oral contracts are valid. But contracts for the purchase of an item worth more than \$500 and contracts involving the sale or purchase of land must be in writing.

What is a sales contract?

When you purchase an expensive item like a car or stereo, you will probably be asked to sign a sales contract. This details in writing the terms of the sale, your obligation to pay for the item and any promises made by the seller.

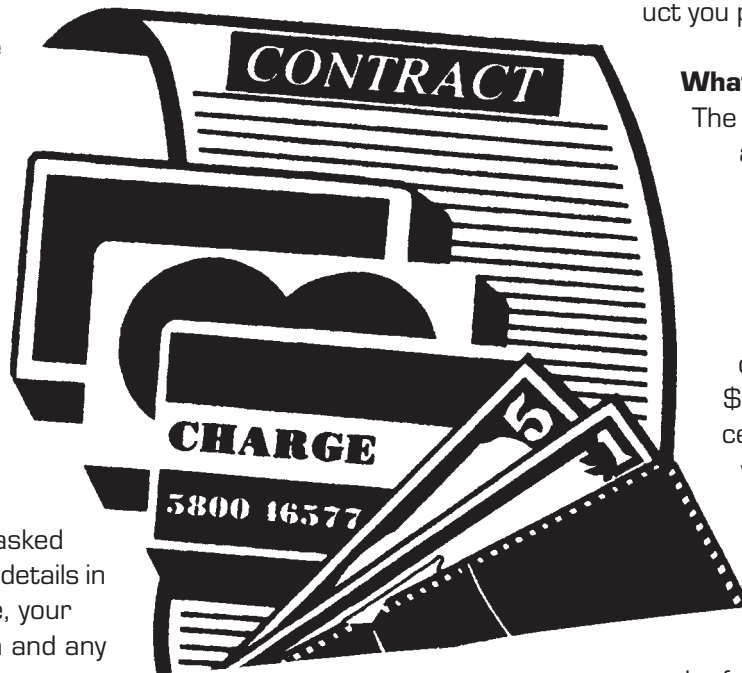
What should I do before I sign a sales contract?

Read the contract carefully. You should know what to expect and what is expected of you. Learn what all the paragraphs mean. If you do not understand something, ask questions! Seek help from someone else if necessary. Be sure all the major items of the sale (for example, price, interest rate, monthly payments) are included in the contract and are correct. If the terms are different than you thought they were, do not sign the contract. You should talk to the salesperson. If certain terms are promised by the salesperson (for example, free installation) be sure they appear in the contract. Make sure there are no blank spaces in the contract. Signing a sales contract with a blank space is like signing a blank check. Do not be taken in by friendly salespeople, who tell you not to worry about it, they will fill it in later. All of the spaces should be filled in or lines drawn through them. If changes are made to the terms of the contract, cross them out and have both parties initial the change, and if made later, date the changes.

Cross out parts of the contract that conflict with your agreement, and write in parts of your agreement that are not in the contract. Do not assume a printed form contract is okay and do not be afraid to cross out, add to, or otherwise modify a form to reflect your agreement.

Always get a copy of any contract that you sign. Once you sign a contract, you are bound by its terms. You may need to refer to it as a reminder of your obligations and the seller's obligations. If you get into a dispute over the contract, you will need a copy to help resolve the dispute.

It may also be used as proof that you own the product you purchased.



What about door-to-door sales?

The buyer has the right to cancel a sales contract within three days. If an uninvited salesperson shows up at your door, there are some very important things you should know. If you sign a contract worth more than \$25, you have the right to cancel. The contract must inform you of your right to cancel within three business days.

Your cancellation must be in writing (a letter) and must be mailed before midnight of the third business day following the day you signed the contract.

(If you signed the contract on Friday, the letter stating you have changed your mind must be mailed before midnight Tuesday.) If you cancel, any money you paid must be refunded within ten days of your notice of cancellation, and if anything is left with you and not picked up within 20 days, you can keep it!

What will happen if I miss payments?

Read the terms of your contract. You may be agreeing that if you miss one or more payments, the seller can take back (repossess) any items you purchased and/or accelerate the payments – which means they can demand that the entire amount you owe be paid immediately. Check the contract for any grace period you may have before the missed payments cause repossession, acceleration, or other consequences.

The seller may have the right to repossess the item without notification. An example would be a car dealer who can take your car from a public place without warning you in advance. A seller may not trespass on your property or

CONTRACTS (continued)

“disturb your peace” in order to repossess an item.

If you miss payments, you may be sued. Your contract may provide for an alternative to being sued (see the chapter concerning “Alternative Dispute Resolution”). The person who sues you will be known as the plaintiff and you will be known as the defendant. The lawsuit will be decided by a judge or a jury. Lawsuits are initiated when the plaintiff serves you with a copy of the complaint (usually by mailing the papers, but occasionally a sheriff will personally deliver the papers to you).

You have the right to answer the complaint in writing. If you do not answer in the time allowed, the plaintiff may win by default. If you do not answer or if the plaintiff wins the lawsuit at a trial, the plaintiff will obtain a judgment against you. To satisfy the judgment (in other words, to collect money or regain the property), the plaintiff can garnish your wages or sell your property. Until the judgment is paid in full, interest is incurred, which you must also pay.

You can also be a plaintiff if you feel someone has failed to honor a contract with you. Whether you want to sue someone or someone is suing you, it is probably best to

contact an attorney to explore your rights and responsibilities. There is, however, a small claims court for small disputes, including contract problems where neither side has an attorney.

What is the Better Business Bureau Arbitration Service?

If you have a dispute about a contract and cannot resolve it yourself, check with your local Better Business Bureau to find out if they have an arbitration service. If so, you may want to use it. Arbitration may be a faster way to settle a dispute and may be less expensive than going to court. Many communities also have a mediation service available. Check the yellow pages or contact the Nebraska Mediation Services at 402-781-2011 or 877-342-2004. You may be able to mediate a settlement of the dispute.

CREDIT

What is credit?

You get credit by promising to pay in the future for something you receive in the present. With credit you can enjoy your purchase while you are paying for it – or you can make a purchase when you are lacking available cash. There are obligations to having credit. It usually costs something, and money borrowed must be paid back.

What laws apply to credit?

Two laws help you compare the costs of credit: **TRUTH IN LENDING** requires creditors to give you certain basic information about the cost of buying on credit or taking out a loan. **CONSUMER LEASING** disclosures can help you compare the cost and terms of one lease with another and with the cost and terms of buying for cash or on credit. The new **CARD ACT** passed in 2009, which is formally known as the “Credit Card Accountability Responsibility and Disclosure Act,” has new regulations regarding credit card holders under the age of 21.

What information does Truth in Lending require the creditor to give me?

Under Truth in Lending, the creditor must tell you – *in writing* and before you sign any agreement – the finance charge and the annual percentage rate.

The finance charge is the total dollar amount you pay to use credit. It includes interest costs and other costs, such as service charges and some credit-related insurance premiums. Some creditors have an annual fee for credit cards. This annual fee must be disclosed in the written information.

The annual percentage rate (APR) is the percentage cost (or relative cost) of credit on a yearly basis. This is your key to comparing costs, regardless of the amount of credit or how long you have to repay it. Because of the competitive nature of the credit card industry, you may have an opportunity to negotiate an APR based upon your credit rating. One way to obtain a good credit rating is to pay the credit card bill in full every month.

How does the Card Act affect my ability to hold a credit card?

The Card Act will require people under the age of 21 to either document their ability to repay the debt or have a co-signer before being granted credit. This law also prevents unfair increases in interest rates and changes in terms, and it prohibits exorbitant and unnecessary fees. Increases in credit limits are not allowed on joint accounts without the permission of all individuals on the account. The Card Act also regulates and restricts aggressive credit card

marketing to students, including college students on university campuses.

What is my “credit score,” and how is it used?

Credit scoring is used to help creditors evaluate your ability to repay a loan. It is a number that represents your credit history that includes your outstanding debt, age of your accounts, and bill-paying and collection history. Using a statistical program, points are awarded for each of these areas. A total number of points becomes your credit score and predicts how creditworthy you are. It is viewed as being more reliable and less judgmental than other methods. (Source: Federal Trade Commission)

Why should I care about having a good credit history?

How you handle credit at a young age will affect your access to credit when you are older. Banks, future employers, credit card companies, most utility companies, and property management companies run credit reports when you apply for a credit card or loan, apply for a job, purchase a car or home, rent an apartment, or sign up for utilities.

What is the best use of credit?

The best way to use credit is to use it without having interest accumulate.

How do I get a good credit rating?

On your first attempt to get credit, you may face a common frustration: sometimes it seems you have to already have credit to get credit. Some creditors will look only at your salary and other financial information you put on the application. Most creditors want to know about your record of handling credit – how reliably you have repaid past debts. Creditors review records kept by credit bureaus or credit reporting agencies whose business is to collect and store information about borrowers that is routinely supplied by many lenders. These records include the amount of credit you have received and how faithfully you have paid it back.

Here are several ways you can begin to build up a good credit history:

1. Open a checking or savings account, or both. These do not begin your credit file, but may be checked as evidence that you have money and know how to manage it. Canceled checks can be used to show you pay utility bills or rent regularly, which is a sign of reliability.
2. Ask whether you may deposit funds with a financial institution to serve as collateral for a credit card; some in-

stitutions will issue a credit card with a credit limit usually no greater than the amount on deposit.

3. If you are new in town, write for a summary of any credit record kept by a credit bureau in your former town. (For example, ask the bank or department store in your old hometown for the name of the credit agency to which they report.)
4. Become an authorized user on your parent’s credit card. The activity on the account is reported to the credit bureau in both the parent’s and student’s name, thus allowing the student to build a credit file.
5. If you choose to obtain your own credit card, you still have options. With any of the following, you should still decide to put a limit on your line of credit, preferably a low limit.
 - a. Department Store Credit Card. Repaying credit card bills on time is a plus in credit histories.
 - b. Secured Credit Card. This type of card requires a cash collateral deposit which then becomes your line of credit. However, these types of cards also come with high fees.
 - c. Traditional Credit Card. If you feel you have demonstrated the ability to handle credit, you may choose a traditional credit card. Be sure to limit the credit line and always, always pay on time (preferably pay off the balance each month) as an irregular payment history will damage your credit rating, defeating the purpose of obtaining the card in the first place.
6. If you do not qualify on the basis of your own credit standing, offer to have someone co-sign your application.
7. If you are turned down, find out why and try to clear up any misunderstandings.

What is collateral?

Collateral is property or money offered to support a loan, and it is subject to seizure if you default. (In other words, if you fail to repay the amount required, you lose your collateral).

Can a creditor turn me down for a loan because of my age?

No. The Equal Credit Opportunity Act protects you. The Act does not guarantee that you will get credit. You must still pass the creditor’s tests of creditworthiness. The creditor must apply these tests fairly, impartially, and without discriminating against you on any of the following grounds: age, gender, marital status, race, color, religion, or national origin.

CREDIT (continued)

What if I buy a television or stereo on installments and have problems getting it fixed? If the store refuses to repair the set, can I refuse to make payments?

The Fair Credit Billing Act allows you to withhold payment on any damaged or poor quality goods or services purchased with a credit card, as long as you have made a real attempt to solve the problem with the merchant.

What about maintaining my good credit report?

A creditor may not threaten your credit rating while you are resolving a billing dispute (for example, if you are discussing with the creditor an error on your credit card billing statement).

Once you have written about a possible error concerning your credit, a creditor must not give out information to other creditors or credit bureaus that would hurt your credit reputation. Until your complaint about the bill is answered, the creditor may not take any action to collect the

disputed amount. After the creditor has explained the bill, if you do not pay in the time allowed, you may be reported as delinquent on the amount in dispute and the creditor may take action to collect. Even so, you can still disagree in writing. Then the creditor must report that you have challenged your bill and give you the name and address of each person who has received information about your account. When the matter is settled, the creditor must report the outcome to each person who has received information. Remember that you may also place your own side of the story in your credit record.

How do I get a copy of my credit report?

All U.S. consumers are entitled to a free copy of their credit report every 12 months. It can be ordered online at www.annualcreditreport.com or by calling 1-877-322-8228.

CRIME VICTIMS

If someone commits a crime against me, what should I do?

You should immediately report the crime to a law enforcement agency in your area. If you are injured, seek medical attention and find a safe place. Tell the truth about what happened. You may be asked to give a recorded statement. Law enforcement officers will generally write a report about the crime. If they have enough evidence, someone may be arrested in your case.

If someone is arrested in my case, do I have to hire my own attorney?

No. When a crime is committed in Nebraska, the County Attorney's Office prosecutes the crime. The County Attorney, or in some counties, the City Attorney, represents the State because once someone is charged with a crime, it becomes a crime against the State. You, as a victim, become a witness in the prosecution. If you are subpoenaed by the court to testify at a trial, you must do so. If you do not, the judge could issue a warrant for your arrest for contempt of court. It is not unusual for the prosecutor assigned to your case to ask to interview you prior to your appearance as a witness at trial. You should cooperate with the County Attorney so that you will be properly prepared to testify. You should notify the prosecutor if the defendant or any one associated with the defendant contacts you.

What are my rights as a crime victim?

The term "crime victim" is narrowly defined by Nebraska law. Generally, in Nebraska, you have a right to be protected from harm arising out of your cooperation with law enforcement and with the prosecution; to be notified when a court proceeding that you have been subpoenaed for will not go on as scheduled; to be informed by the County Attorney of the final disposition (the sentencing of the defendant) in your case; and to be informed that on all subpoenas or notices to appear in court, you are entitled to receive a witness fee. These are only a few of your rights. Contact the County Attorney or the Victim Assistance Program in your area for more information.

What if I am injured as a result of the crime and cannot afford to pay the medical bills?

If you are an innocent victim of crime, report the crime within 72 hours, and cooperate with law enforcement, you may qualify for victim compensation. The Victim Reparation Program is administered by the Nebraska Crime Commission. Applications are available through them or your local Victim Assistance Program. There is a \$10,000 maximum award. The program does not pay for property damage. Another way you may receive restitution is if the judge orders the defendant to pay it as part of sentencing. If the defendant is convicted of the crime against you, the judge may order that person to pay you for damage. Contact your local County Attorney's Office for more information about restitution in your case.

CRIME VICTIMS (continued)

If I am being stalked or am in a dating relationship and am being physically abused, what can I do?

If this is happening to you, you have a right to call law enforcement to report this. If you are 18 or younger, your parent or guardian may apply for a harassment protection order on your behalf. These orders can vary as to what restrictions will be imposed upon the offending person. They

could legally forbid the person from imposing any restraint upon you or your liberty; harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing your peace; and/or telephoning, contacting, or otherwise communicating with you. Contact the District Court Office or Victim Assistance Program in your area for more information.

CRIMINAL LAW

What is a crime?

Typically, a crime consists of bad behavior accompanied by an intention to act illegally; however, not all bad behavior is criminal. Also, there are some offenses, such as sexual assault of a minor or driving on a suspended license, which do not require a specific intent to act illegally. All Nebraska crimes are described in Nebraska statutes or in city or village ordinances. All federal crimes are described in the United States Code. Criminal behavior can include agreeing to commit a crime with another person (conspiracy), hiding or helping a fugitive (accessory), or holding the proceeds of a crime (aiding consummation or receiving). Aiding, abetting, procuring, or causing another to commit a crime can mean you are as responsible for a crime as the actual wrongdoer (and, therefore, you may receive the same punishment).

Nebraska makes burglary, theft, assault, murder, littering, writing bad checks, selling drugs and many other actions criminal.

What punishments can happen to someone who commits a crime?

Both the United States and the State of Nebraska have criminal penalties including the death penalty after 18 years of age, life in prison without parole, a term of imprisonment, fines, probation, and restitution. Nebraska also has offenses that may attach a driver's license suspension as a penalty. Persons convicted of sex-related offenses are required to register with law enforcement authorities for up to 15 years or life as determined by the offense of conviction and the court.

What is the difference between a felony and a misdemeanor?

Under Nebraska law, a felony is any offense where the penalty can include imprisonment for a period of one year or more. A misdemeanor is any other criminal offense. In addition to felonies and misdemeanors, Nebraska also has

several infraction offenses, such as possession of marijuana and most traffic offenses.

What are my rights?

You have different rights at various times during the criminal process. Generally, you have the right to be left alone. This means that the police cannot stop you without a reason. This also means that the police do not have the right to search you or your car without a good reason. You may consent to a stop or search, but you are not required to do so. On the other hand, the police may stop you and ask questions or search your car if they have a good reason or if they have a warrant issued by a judge. If you are arrested, you have the right to remain silent. If you choose to speak, anything you say could be used against you. You have a right to have an attorney assist you and to be present during questioning. If you ask for an attorney, the police must stop questioning you until an attorney is present. If you cannot afford to hire your own attorney, the police must stop questioning you until you have an opportunity to talk with an attorney appointed by a court. You have a right to be promptly taken before a judge. You may give up these rights and talk with the police if you want to.

What about juvenile court?

At age 19, you are an adult and cannot go to juvenile court. You may be punished as an adult even before your 18th birthday under some circumstances. Technically, juvenile court has the power to hear any case which happened before you turned 18 years old. However, as a practical matter, the closer you are to adulthood (graduation from high school, living away from your parents, working, more than 17 years old, etc.) and the more serious the offense, the less likely the court is to transfer your case to juvenile court. In Nebraska, the authority of Juvenile Court ends at age 19.

CRIMINAL LAW (continued)

When and where can the authorities search?

If you are lawfully arrested, authorities can search you personally and any place within your reach. Even without an arrest, police may search your vehicle if they have “probable cause” to believe that they will find evidence or that you have broken a law. Probable cause means a legitimate reason allowing a reasonable person to believe that a crime has been or is about to be committed and that evidence of that crime is located where they want to search.

What is bond?

A bond is an agreement used to assure your appearance at trial. Often, courts require no bond or a personal recognizance bond for less serious cases, especially if you do not have a history of failing to appear in court. More serious cases or cases where you have a history of failing to appear for court can call for a cash bond. Usually such bonds are percentage bonds, meaning that you must post 10 percent of the face amount of the bond. Except in certain murder and sexual assault cases, you have the right to a reasonable bond. You do not have the right to be released just because you cannot post the bond.

What if I cannot afford an attorney?

During questioning, the police must provide a free attorney if you cannot afford to hire your own and you ask for one. All questioning must stop until you have had an opportunity to speak with an attorney. In court, you have the

right to a free attorney only if you cannot afford to pay for one yourself and if you are going to lose your freedom if you are found guilty. The judge may ask the prosecutor if the case is likely to call for a jail sentence; if so, the court will appoint an attorney. Some cases are usually handled by a fine, and the court will not appoint an attorney even if you cannot afford to hire one of your own choosing. You always have the right to hire your own attorney.

Do I have any other rights?

At every critical stage in a criminal case, you have the right to have the assistance of a competent attorney. You have the right to have any charges against you tried by a judge (called a bench trial) or if the charges are serious enough, tried by a jury. In either case, you have the right to a speedy public trial. At the trial, you have the right to meet the witnesses against you face to face and to confront them (there are limited exceptions). You have the right to have your attorney cross examine the witnesses (again subject to limited exceptions). You have the right to have your witnesses come to court to testify for you. If they are unwilling to come to court, you can ask the court to force them to come to court. This is called compulsory process. Finally, if you are dissatisfied with the outcome of your trial, you have the right to appeal. It may be possible to seek further appeals in special circumstances. You have the right to the effective assistance of an attorney during your appeal.

DOMESTIC ABUSE

What is domestic abuse?

Domestic abuse is when the following occurs between household members: one attempts to cause or causes bodily injury, fear of imminent bodily injury, or engages in sexual contact without consent. Neb. Rev. Stat. § 42-901.

Who can help someone who has been a victim of domestic abuse?

The Nebraska Department of Health and Human Services provides prevention and treatment programs to victims, their families, and abusers. Neb. Rev. Stat. § 42-904. These services include emergency shelter, transportation, medical care, legal counseling, crisis counseling, and financial aid. Neb. Rev. Stat. § 42-907. The Department makes services available to both adults and minor children. One may call 911 or Nebraska's statewide domestic violence/sexual assault crisis line is 1-800-876-6238. Additional information is available at <http://www.hhs.state.ne.us/nea/domestic.htm>.

Can a victim press criminal charges against the abuser?

Yes, domestic violence is a crime. If you have been abused, call local law enforcement or the prosecuting attorney's office.

What civil remedies may a victim pursue?

A victim may pursue a protective order and a personal injury action against the abuser. A court may issue a protective order without requiring a bond upon filing a petition and an affidavit. Neb. Rev. Stat. § 42-924. A petition for a protective order may be filed using the form located in the office of the clerk of the district court. Neb. Rev. Stat. § 42-924.02. The victim should see an attorney for filing of a civil lawsuit for personal injuries to discuss the facts and what remedies and damages the person may seek.

DRUGS, NARCOTICS, TOBACCO, AND ALCOHOL

Where are non-smoking areas?

Smoking is prohibited in indoor public places and places of employment. The only exemptions to this are designated hotel rooms, research areas, tobacco retail outlets, and cigar bars. Neb. Rev. Stat. § 71-5716.

What are some dangerous drugs?

The Uniform Controlled Substances Act provides a lengthy list of the name of drugs that are defined as controlled substances. Neb. Rev. Stat. § 28-405.

You should consider any drug not prescribed to you as dangerous. Illicit drugs are often placed into the following categories:

- **Hallucinogens** – substances which affect the central nervous system distorting the perception of objective reality. Common names are angel dust, PCP, LSD, marijuana, and mushrooms.
- **Stimulants** – substances that temporarily increase the function of the central nervous system which produces alertness, elation, and a variety of adverse reactions. Common names are speed, crack, coke, crank, crystal meth, and yellow jackets.
- **Sedatives** – substances that depress or slow down the body's functions inducing sleep or sedation, often called downers or sleeping pills. Common types are Valium, Quaalude, Nembutol, and Tranxene.
- **Inhalants** – substances that are inhaled through the nose or mouth that give the user an immediate high or rush. Common inhalants are aerosols and cleaning supplies.

What is a “date rape” drug?

These are colorless, odorless drugs which render a person unconscious for the purpose of committing a crime or

other sexual offense on another. Common drugs include GHB, GBL, ecstasy, and roofies.

What are the types of drug crimes?

Drug crimes include possession, distribution, and manufacture of controlled substances.

- **Possession** – One commits felony possession if he or she knowingly or intentionally possesses a controlled substance, except marijuana, unless such substance was obtained pursuant to a valid prescription. The amount of the controlled substance which is in one's possession determines the severity of one's punishment. Possession of marijuana can be a felony or misdemeanor, depending on the amount in possession. Neb. Rev. Stat. § 28-416
- **Distribution** – Any person who knowingly and intentionally possesses a controlled substance with intent to distribute is guilty of a felony. Neb. Rev. Stat. § 28-416.
- **Manufacture** – Any person who knowingly and intentionally manufactures a controlled substance is guilty of a felony. Neb. Rev. Stat. § 28-416.

If a person 18 years of age or younger is convicted of possession or distribution of a controlled substance, his or her driver's license or permit may be impounded. If the person does not have a license or permit, he or she may be prohibited from obtaining a license or permit.

What about prescription drugs?

It is legal to take prescription drugs, but only if they were obtained and taken according to a physician's direction. Each prescription must be dispensed in labeled contained and the label must not be removed. Neb. Rev. Stat. § 28-415.

EMPLOYMENT LAW

Will I have a written contract with my employer?

Most employment contracts are verbal. There are some occupations that may use written contracts, and unionized jobs traditionally have written contracts. A verbal contract can be binding, but is often very limited in its terms and its terms are hard to prove.

How and why can I be fired?

Nebraska is an “at will” employment state. This means that, unless you have a contract that covers your employment, you work “at the will” of your employer.

In other words, without a contract your employer may

fire you at any time for any reason. No warnings or explanations need to be given.

The only meaningful limit on the employer's right is that you may not be fired because of your race, sex, religion, disability, color, national origin, or marital status.

(An employer also may not refuse to hire you for these reasons, nor may an employer treat you differently at work for these reasons.) Some companies may also have personnel manuals which place limits on reasons for firing and may outline the process to be followed before an employee is fired.

What do I do if I believe that I have been discriminated against?

If you think your employer is discriminating against you because of your race, color, sex, religion, national origin, marital status, or disability, your first contact should be with the Nebraska Equal Opportunity Commission (NEOC) or a lawyer.

The NEOC is very helpful, and there is no charge for the commission's assistance. The NEOC has three offices in the state. Addresses are also listed in the Resource section in the back of this booklet:

Lincoln:

301 Centennial Mall South, 5th Floor (State Office Building)
Toll Free Number – 800-642-6112
Lincoln Number – 402-471-2024

Omaha:

1313 Farnam, 3rd Floor
(Downtown Education Building/State Office Building)
Toll Free Number – 800-382-7820
Omaha Number – 402-595-2028

Scottsbluff:

Panhandle State Office Complex
4500 Avenue "I"
P.O. Box 1500
308-632-1340

NEOC Website:

www.neoc.ne.gov

Do I have the right to vacation or sick leave?

You only have the right to these items if you and your employer have agreed to them, or if you have a contract which provides them. If you have a serious medical condition and work for a larger employer, you will probably be covered by the Family and Medical Leave Act, and you will then be eligible for up to 12 weeks unpaid time off for the serious medical condition.

Am I entitled to any leave for the birth or adoption of a child?

Each employer's policies and/or labor contract will vary as to whether you re-

ceive any paid leave following the birth or adoption of a child, and this will be outlined in sick leave or maternity/paternity clauses. If you work for a larger employer, you will probably be covered by the Family and Medical Leave Act of 1993. Under the Act, men and women are legally entitled to up to 12 weeks unpaid time off following a birth or adoption.

Can I demand work breaks?

You are only entitled to the breaks which you and your employer have agreed on, or which are provided by a contract.

Will I be paid overtime?

Most, but not all, employers are covered by the federal Fair Labor Standards Act.

Under this law, they are required to pay you at least one and one-half times your regular rate of pay for any hours that you work in excess of 40 per week. This law provides for the minimum pay you must receive, but you may be entitled to more if you have a contract.

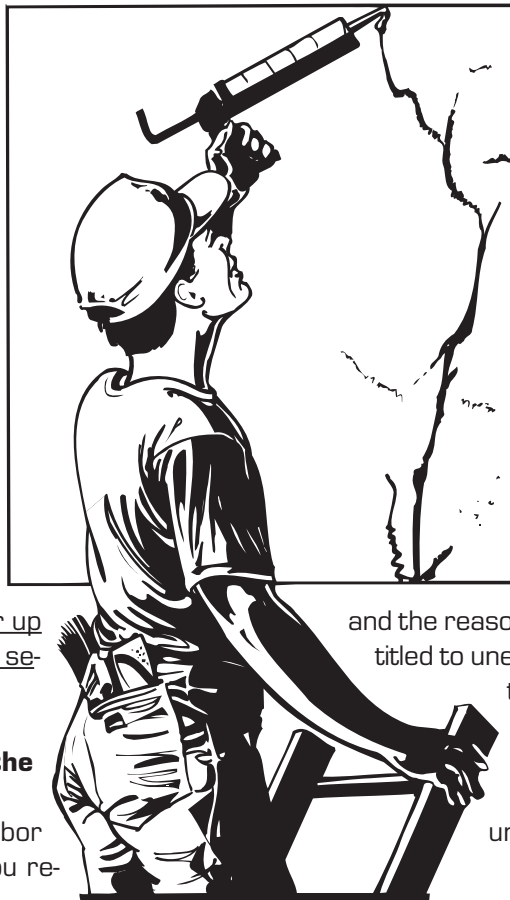
The rules governing the Fair Labor Standards Act may sometimes be confusing, so if you have any questions, you should call an attorney or the U.S. Department of Labor, Wage and Hour Division. This federal agency can be very helpful. The number in Lincoln is 402-437-5790, and in Omaha it is 402-221-4682.

What happens if I get hurt at work?

Nebraska law requires that almost all employees must be covered by Workers' Compensation. This means that if you are injured at work, your medical bills should be paid, and you should receive pay (but not the full amount) for lost time if you are off work more than seven days. If you have a contract, you may be entitled to more than these minimums.

What happens if I lose my job?

Depending upon the type of job you had, and the reason you lost your job, you may very well be entitled to unemployment compensation. You should contact your local unemployment office for more details. If you are fired or voluntarily quit, you will probably have a waiting period before you are eligible for unemployment compensation.



GRAND JURIES

What is the difference between a trial jury and a grand jury?

While the United States Constitution requires that a criminal defendant face a jury of his or her peers for serious offenses, criminal convicts typically never appear in front of grand juries. This is because a grand jury is impaneled to establish whether the evidence against a criminal suspect warrants an “indictment.” A grand jury indictment gives officials the authority to charge and arrest criminal suspects for certain offenses. When a criminal suspect is arrested on the basis of a grand jury indictment, the suspect becomes a criminal defendant. If a criminal defendant asserts his innocence, a trial jury is eventually impaneled to render a verdict as to the guilt or innocence of the defendant based on evidence presented at trial.

What functions do grand juries perform?

Grand juries have two primary responsibilities: (1) indictment, and (2) investigating criminal activity. As noted above, grand juries are responsible for deciding whether an indictment should be issued for the arrest of a criminal suspect. Grand juries will typically hear witness testimony relating to the suspect’s conduct, as well as other evidence, in order to make a decision regarding whether an indictment should issue.

Grand juries in Nebraska are also responsible for investigating any criminal activity that requires their attention. Nebraska grand juries also investigate the condition of local confinement facilities, such as jails and prisons.

How many jurors constitute a grand jury in Nebraska?

The number of jurors needed to impanel a full grand jury differs from state to state. In Nebraska, 16 jurors constitute a full grand jury. However, only 12 jurors are needed to conduct business, such as deciding whether to issue formal charges in an indictment against a criminal suspect.

Do Nebraska grand juries use alternate jurors?

Yes. In Nebraska, the court chooses three alternate jurors when it impanels a grand jury.

What grand jury reforms are being considered?

The rules of evidence, as well as some Bill of Rights protections, do not apply in grand jury proceedings. Moreover, defense counsel is not allowed in federal grand jury proceedings. Accordingly, courts and commentators alike have considered affording grand jury witnesses and criminal suspects more rights than they currently have.

Does Nebraska require a grand jury to be impaneled for a felony prosecution?

No. Nebraska does not require a grand jury to be impaneled for every felony prosecution. Thus, Nebraska grand juries are typically only convened for special purposes, such as impeachment of public officials. As a result, in Nebraska the use of indictments to charge offenses is optional.

HEALTH AND HUMAN SERVICES

What is the Nebraska Department of Health & Human Services?

The Nebraska Department of Health and Human Services (DHHS) is a state agency. DHHS provides a wide variety of important and oftentimes life-sustaining services to Nebraskans. The mission of DHHS is “Helping people live better lives.”

What types of programs are administered by DHHS?

DHHS programs are directed at four basic outcomes or goals: (1) access to health care; (2) economic support; (3) family preservation and protection of children and adults; and (4) services to support self-sufficiency and independence.

What is TANF (Temporary Assistance to Needy Families)?

The TANF program (previously known as Aid to Dependent Children or ADC) provides cash assistance to low-income families with minor children. TANF assistance may be used to pay for family expenses like rent, utilities, food, clothing, and other necessities. TANF is often the only source of cash assistance for a family.

What is Employment First?

To encourage movement towards self-sufficiency, TANF recipients are required to participate in the Employment First Program. Employment First is Nebraska’s welfare reform program, which aims to help families and individuals achieve economic self-sufficiency through job training, education, and employment preparation. Employment First is designed to assist persons through the transition from welfare to the work force. Under Employment First the in-

dividual and a case manager jointly develop a self-sufficiency contract. The contract outlines the activities, services and responsibilities of the individual and the State so that the individual can achieve economic self-sufficiency. Services available under a self-sufficiency contract include GED classes, English as a Second Language classes, job skills training, apprenticeships, job search assistance, and on-the-job training.

Once an individual signs a self-sufficiency contract, the individual may receive up to 24 months of financial assistance within a continuous 48-month period. At the end of 24 months, the individual may continue to receive assistance if there is no job available to the individual, the Department has not fulfilled its obligations under the contract, or the termination would result in extreme hardship for the family.

What is Medicaid and who is eligible for this program's benefits?

Medicaid is a program of medical assistance to eligible needy individuals. Medicaid is available to individuals receiving TANF assistance or Supplemental Security Income (SSI). It is also available to low-income elderly persons; blind and disabled persons; institutionalized persons; children; pregnant women; and certain individuals or families with limited income and assets.

What services does Medicaid cover?

Medicaid covers all or part of most routine and necessary medical expenses such as hospital care, doctor visits, dental care, eye care, family planning, laboratory and radiology services, most prescription drugs, medical equipment, home health services, and nursing home care.

What is the Food Stamp Program or SNAP?

The Food Stamp Program, now known as the Supplemental Nutritional Assistance Program, or SNAP, is designed to increase the purchasing power and food security of low-income households. SNAP participants receive their benefits in the form of an electronic account that can be accessed with an Electronic Benefit Transfer (EBT) card. EBT cards are accepted by most supermarkets and grocery stores.

Who is eligible for SNAP?

Eligibility for SNAP is determined using three criteria. The household must meet income criteria, have limited resources, and meet work requirements of the program. Non-citizens, college students, and individuals who voluntarily terminate their employment may be ineligible for SNAP.

What type of food can be purchased with SNAP benefits?

All food items sold for human consumption can be purchased with SNAP benefits.

Items that cannot be purchased include cleaning and paper products, toiletries, diapers, clothes, alcohol, or tobacco. It is a criminal offense to sell SNAP benefits.

What is the WIC (Women, Infants and Children) Program?

The WIC program provides food vouchers to low-income, pregnant, postpartum or breast-feeding women and to children under five years of age who have a nutritional need. However, only certain food items can be purchased with this voucher.

What is the Child Support Enforcement Program?

The Child Support Enforcement Program provides services to TANF and Medicaid recipients to establish paternity and to obtain orders for child support and medical support. It can also assist in enforcing support orders through wage withholdings and attaching tax refunds. The program's goal is to assist single parents in attaining self-sufficiency and to reduce the dependence on TANF and Medicaid benefits.

A parent receiving TANF benefits must assign his or her rights to child support to the State of Nebraska and must assist in the process of obtaining a child support order. This requires a mother receiving TANF to identify the father and participate in genetic testing if necessary. A failure to assist in this process may result in the loss of TANF benefits. A custodial parent cannot receive child support for a child who gets TANF benefits unless the amount of child support is greater than the amount received in TANF benefits. Child support will instead go to the State of Nebraska to reimburse the state for benefits paid. The custodial parent is entitled to receive child support payments when the TANF benefits terminate.

Child Support Enforcement services are also available to families not receiving TANF. It is hoped that such services will help to prevent families becoming public assistance recipients. A call to your local Department of Health and Human Services office will let you know where to start the process of establishing or enforcing child support.

How does DHHS help protect children and vulnerable adults?

When a person suspects that a child or vulnerable adult is being abused or neglected, such persons are required by law to report that information to law enforcement or to DHHS's Office of Protection and Safety. The Office of Pro-

HEALTH AND HUMAN SERVICES (continued)

tection and Safety is responsible for investigating such reports. Your report will remain confidential. Abuse and neglect can happen in families of any economic status. Help is just a phone call away. To report abuse or neglect of a child or vulnerable adult, contact law enforcement or call the DHHS 24-hour Hotline: 1-800-652-1999.

What happens if DHHS determines that a child is abused or neglected?

If evidence of abuse or neglect is found, DHHS may recommend that the county attorney file a juvenile petition, which may result in removal of the child from the home. In addition, law enforcement has the authority to make an immediate removal from a home.

Is there help for families of abused and neglected children?

Yes. DHHS assists families in developing a plan to eliminate or minimize the problems underlying the abuse or neglect. Services available include parenting classes, counseling, psychological evaluations, domestic violence services, anger management counseling, and drug and alcohol counseling. Services are available regardless of income.

Where can victims of domestic violence get help?

DHHS funds community-based groups across the state which offers services to victims of domestic violence. Services include crisis hotlines, referrals, crisis counseling and assistance in helping victims obtain protection orders.

HUNTING AND FISHING

Can I go hunting?

Yes, but you may need a permit. Every resident of Nebraska, 16 years of age and older, who hunts for small game and waterfowl needs a Nebraska hunting permit. For hunting big game (deer, antelope, bighorn sheep, and turkey) or furbearers (someone who traps) (<http://www.ngpc.state.ne.us/hunting/guides/furbearer/furbearer.asp>) a Nebraska hunting permit is not required in addition to the separate permit needed for those species. However, some mammals in Nebraska, including coyotes, prairie dogs, and woodchucks, are considered non-game species, and residents do not need a permit to hunt these species.

Also, any person 12 years of age or older must have successfully completed a state-certified hunter education

course prior to hunting. Youth hunters under age 12 must be accompanied by a licensed hunter 19 years of age or older. Any person under 16 years of age who hunts antelope, deer, elk, turkey, or bighorn sheep must be accompanied by a licensed person 21 years of age or older.

Do I need a fishing license?

Maybe. A fishing permit is required for all Nebraskans 16 years of age and older to take, or attempt to take, any fish, bullfrog, snapping turtle, salamander, or mussel by any method on public waterways. You do not need a fishing permit if you're fishing (as owner or guest) on a totally protected body of water, located entirely on private land and entirely privately stocked. Fishing without a license is subject to a fine and/or jail time.

Does immigration law vary from state to state?

No. Because it is a federal law, the Immigration and Naturalization Act applies nationwide. Therefore, no matter where you live in the United States, immigration law is the same.

Does immigration law treat adults differently from minors?

Yes, in some cases. Although many provisions of immigration law apply the same way to both adults and minors, there are some crucial ways in which a minor (known as a “child” under the Immigration Act) is treated differently from an adult.

Who is a “child” for purposes of immigration law?

It depends. A person can be a “child” for some purposes under immigration law but not for other purposes. Generally speaking, for immigration purposes a “child” is an unmarried person under the age of 21. However, because the definition of “child” in the Immigration Act varies depending on the situation involved, one may, under certain circumstances, no longer be a “child” even as early as age 16. A person can be a “child” under the Immigration Act even if he/she is not the biological child of his/her parents. Some examples of when a person is a “child” under immigration law are listed below.

- Adopted Children. If you were adopted, you are a “child” of your adoptive parents for most purposes under immigration law so long as you were adopted before you turned age 16. In some cases, you must also have been living with your adoptive parents for at least two years before you can get any immigration benefits from them. If you were adopted after turning age 16, then you are not considered to be a “child” for immigration purposes.
- Stepchildren. In most cases, so long as the marriage between your biological parent and stepparent took place before you turned 18, you also qualify as a “child” of your stepparent under the Immigration Act. One area in which this is not true is naturalization (becoming a United States citizen). As a stepchild, you do not gain any citizenship benefits directly through your stepparent.
- Children Born Out of Wedlock. Even if you were born when your parents were not married to each other, you are always a “child” of your mother for immigration purposes until you marry or turn age 21. You will be considered a “child” of your biological father, generally speaking, if the law officially recognizes the parent-child relationship between your biological father and you before you turn age 18. Usually such recognition takes

place because your biological father marries your mother or is declared by a court to be your father.

If I get married while the Immigration Act still considers me a “child,” what will happen?

Generally speaking, once you marry, you are no longer considered to be a “child” for purposes of immigration law.

What is the main effect on me if I am no longer a “child” under the Immigration Act?

If you are not a “child” under the Immigration Act, you may not be able to gain immigration benefits through your parents, and even if you can still get immigration benefits through your parents, the wait to get such benefits may be longer. In some situations, children automatically have the same immigration status that their parents do, or they are able to get that status more easily than someone who is not a “child.” Once you are no longer a “child,” you generally will have to qualify for immigration benefits on your own, or you will have to wait longer to get immigration benefits through your parents. Also, if you are no longer a “child,” and if you are not yet a United States citizen, you may be subject to more severe penalties for violations of the Immigration Act.

What are some examples of the way things will change under the Immigration Act once I am no longer a “child?”

There are several ways in which things might change. The following are a few examples:

- Children of United States Citizens. If you are the child of a United States citizen and if you have no immigration status in the United States, you are eligible to become a legal permanent resident (get a “green card”) because of your family relationship to the United States citizen. In such cases, you are called an “immediate relative” of a United States citizen under the Immigration Act. Once you marry or reach the age of 21, however, you are considered to be either a “son” or “daughter” under the Immigration Act, and receive less favorable treatment in terms of getting immigration benefits from your parents. In 2009, for example, unmarried “sons” or “daughters” of United States citizens had to wait between six and 18 years longer than children of United States citizens to get “green cards” through their parents. Married “sons” or “daughters” of United States citizens had to wait between eight and 17 years longer than children of United States citizens to get their “green cards.”
- Children of Non-United States Citizens. Generally speaking, if your parents are not United States citizens but

are coming to the United States, you get the same immigration status as your parents. This is true whether your parents are coming to the United States as immigrants, or are only coming to the United States for a limited period of time as non-immigrants. However, once you turn age 21 or marry, then you will no longer get the same immigration status as your parents just because they are your parents. Instead, you will have to qualify on your own.

- **Children of Refugees or Asylees.** If your parents are classified as refugees before entering the United States, or receive asylum after entering the United States, normally you will receive the same immigration benefits as your parents. If you marry or turn age 21 before your parents became refugees or received asylum, then you are not eligible to receive those benefits through your parents.
- **Children of Parents Who Naturalize.** If your parents were not born in the United States but “naturalize” (become United States citizens), you automatically become a United States citizen yourself if: 1) you become a legal permanent resident (get a “green card”), and 2) your parents naturalize, so long as both of these things happen before you turn age 18. If you turn age 18 before either of these two things happen, then you will have to qualify to become a United States citizen on your own.
- **Conviction of Crimes.** If you are convicted of certain crimes, you may be “removable” from the United States; that is, Immigration and Customs Enforcement (ICE) may seek to deport you from the United States. Generally speaking, if you are convicted of a juvenile offense, that conviction will not make you removable from the United States. However, if you are charged with a crime as an adult and are convicted of such a crime, you may be removable. Under the guidelines used by ICE, there are three categories of people who have been convicted of crimes: 1) anyone under the age of 16 who is convicted of a crime is considered to be a juvenile, and such conviction will not make the non-citizen removable from

the United States, regardless of the crime; 2) anyone between the ages of 16 and 18 who is charged as an adult with serious crimes (felonies with a maximum punishment of ten years or more, life imprisonment or death) will most often be removable if convicted; and 3) ICE will try to remove from the United States anyone over age 18 who is convicted of a crime that makes him/her removable from the United States under the Immigration Act.

If I am not a United States citizen, must I still register with the Selective Service when I turn 18?

Yes, if you are a male person and are residing in the United States on your 18th birthday, you must register with the Selective Service, even if you are not a United States citizen and even if you are not in the United States legally. You need not register with the Selective Service if you were admitted to and are living in the United States as a non-immigrant.

What if I have no immigration status in the U.S., but I have been abandoned or neglected by my parents?

Under certain circumstances, you may be able to get immigration benefits even if you have no immigration status in the U.S. You are eligible to remain permanently in the U.S. (i.e., get a “green card”) if you (1) are a “child,” (2) are present in the U.S., (3) have been declared dependent on a “juvenile court,” which can include a court that enters a guardianship order, (4) have been abused, neglected, or abandoned, and (5) it is not realistic to expect that you will be able to be reunited with one or both of your parents. If these circumstances exist, and if the “juvenile court” finds that it would not be in your best interest to return to your home country, then you can apply for a Special Immigrant Juvenile visa, which, if granted, gives you permanent resident status in the U.S. (i.e., a “green card”).

IMPEACHMENT OF PUBLIC OFFICIALS

What state officials can be impeached in Nebraska?

Pursuant to the Nebraska Constitution, all civil officers in Nebraska are subject to impeachment for any misdemeanor committed while in office.

What happens if the governor is impeached?

If the governor is impeached, the Nebraska Constitution provides that the Lieutenant Governor be designated as Governor for the remainder of the impeached Governor's term. If the Lieutenant Governor is impeached in the same proceedings, the Speaker of the Legislature is the next to assume the impeached Governor's responsibilities.

Who can move to impeach a civil officer?

The Legislature has the sole power of impeachment and motion for impeachment must be upheld by a majority of its elected members. A trial of impeachment is conducted by the state Supreme Court.

Can a civil official invoke his privilege against self-incrimination during impeachment proceedings?

Generally, no, except as otherwise applicable in a general civil case.

How many votes are needed to convict a civil official being tried for impeachment?

Two-thirds of the court of impeachment must vote in favor of impeachment to convict. The Legislature must prove by clear and convincing evidence that the person being impeached is guilty of an impeachable offense.

If a civil official is impeached and convicted, what are the consequences?

If a civil official is impeached and convicted, he or she is disqualified from office and can never exercise his or her official duties after impeachment. However, a judgment of impeachment cannot extend beyond this penalty. Therefore, to convict an impeached official of other crimes, the impeached individual must face a separate prosecution.

INSURANCE

What is an insurance policy?

A policy of insurance is a contract. In exchange for a fee (the premium), the insurance company promises to pay a person (the "insured") if a certain insurable event happens. Remember...the right policy for you is one that covers your needs and meets your budget.

What kinds of insurance are available?

There are several kinds of insurance available, four of which you may want to consider: automobile, renters', health, and life.

Am I required to purchase automobile insurance?

Yes, you are required to purchase auto liability insurance if you intend to drive.

Liability coverage protects you against damages you cause to others if you are at fault in an accident. It does not pay for your own losses. There is a minimum amount of liability insurance that you must purchase; however, you may purchase a policy that will pay more than the minimum amount of liability. The cost to increase the limit is usually reasonable.

Liability coverage is divided into two types: bodily injury and property damage. The bodily injury liability coverage pays for injuries to other persons, including medical pay-

ments and lost wages. The property damage liability coverage pays for damage done to the property of another person. You will also need to include underinsured/uninsured coverage. This part of the insurance policy pays for your medical bills if an uninsured or underinsured driver causes you injury.

Are there other types of automobile insurance coverage?

Yes, you may want to consider collision/comprehensive, medical payments, and/or rental car coverage.

What is collision/comprehensive coverage?

If you own a newer car, your bank may require that you buy comprehensive or collision coverage. You may wish to consider this coverage to protect your own vehicle. Collision coverage pays for damage caused to your vehicle when you collide with another vehicle or object. Comprehensive coverage pays for other kinds of damage to your vehicle, such as that caused by theft, falling objects, fire, rocks thrown up by passing vehicles, etc. Your policy will identify all of the perils that may apply under this coverage.

What is medical payments coverage?

This coverage pays medical expenses for you and residents

of your household when involved in an auto accident whether as a driver, a passenger, or a pedestrian, regardless of who is at fault.

What does renters' insurance cover?

Most companies sell a renters' insurance policy – sometimes referred to as a tenants' homeowners' policy – which protects the renter's property in the event of a covered loss such as fire, lightning, theft, etc. Renters' insurance also provides bodily injury and property damage liability protection for certain instances in which the renter is at fault in causing damages. The policy may include medical payments, without regard to fault, for persons who are accidentally injured while on your premises. If you are a full-time college student and your parents have homeowners insurance, ask them to check with their insurance agent to determine whether your possessions at college are covered.

How do I choose the best health insurance policy?

Health insurance protects you from unexpected expenses associated with an illness or an accident and is available from most insurance companies. Shop carefully for health insurance because most policies and plans differ in cost, coverage, and claims service. Students who attend school full-time are usually eligible for health insurance benefits under their parents' policy. All basic health insurance policies stop paying benefits when certain time limits or dollar limits are reached. If you need to purchase health insurance, know what insurance or other benefits you already have in order to avoid duplicate coverage and to determine if you have enough coverage.

What is individual health insurance?

Individual health insurance covers one person or all the members of a family under one policy and is usually purchased by people who do not have access to group insurance.

What is group health insurance?

Group health insurance covers a number of people under one policy, and is usually available through an employer, a union, an association, or other organization.

What is a Certificate of Creditable Coverage?

You will receive a Certificate of Creditable Coverage when you leave a health plan. It will describe the length of time you were covered under that plan. If you enroll in an employer-based group health plan within 63 days of losing your last plan, you can give a copy of the Certificate to your

new plan. The number of months you were covered under your old plan can be credited to your new plan. This will reduce the period of time the new plan would ordinarily require you to wait before it will pay for medical problems that exist before you start the new plan.

What is COBRA?

COBRA is a federal law that allows employees and their dependents to continue a group health plan after they lose eligibility in the plan. Specific types of events will allow a person to continue coverage, such as a termination of employment, death of the employee, or loss of dependent status (whether due to age or failure to maintain full-time student status). Under COBRA, coverage can be continued for up to a specific amount of time, usually 18 months. Only certain employers are required to offer COBRA coverage, and they are not required to contribute any money to the cost of the premium.

Is all life insurance the same?

Ordinary life insurance provides a specified amount of money at the time of your death to the persons you have named as your beneficiaries. Keep in mind that coverages provided will vary. It is worthwhile to shop around for a policy that fits your needs. Life insurance benefits can be used for the expenses of final illness, burial, taxes, and other expenses. It is a good idea to periodically review your policy and the selection of your beneficiary and update them whenever necessary. A person's need for life insurance often increases when they have children or other persons that depend on them for financial support.

What is term life insurance?

Benefits are payable to a beneficiary only when an insured dies within a specified period. Premium rates may periodically increase as you get older.

What is whole life insurance?

Benefits are payable to a beneficiary at the death of the insured whenever that occurs. Premium rates usually remain level as you get older.

What is universal life insurance?

This is a flexible premium life insurance policy in which the policyholder may change the death benefit from time to time and vary the amount or timing of premium payments.

What is an annuity?

A contract that provides for periodic payments (benefits) starting from a particular date and continuing for a period

INSURANCE (continued)

of time. A deferred annuity can be used to accumulate funds for later use.

How can I cut my insurance costs?

- **Deductibles.** The higher your deductible, the less you will pay in premiums; however, never select a deductible higher than you can afford.
- **Collision/Comprehensive (Automobile).** If the value of your car is such that you could afford to fix it without insurance, you could consider not carrying this coverage.
- **Shop around.** Insurance premiums vary greatly. Take the time to shop around and compare.

What types of insurance am I required to have?

Automobile liability insurance and underinsured/uninsured motorist coverage are the only types of insurance listed above that are required by law. When you register your vehicle, you must provide proof of insurance, which will be furnished to you by your insurance company upon payment of your insurance premiums.

INTERNET SAFETY

Are chat rooms safe?

No, chat rooms are not safe places to be while online. A great deal of negative things can result from chat rooms, such as bullying, stalking, kidnapping, rape, and murder. Not all chat or instant messaging is bad. Ask your parents to help you find safe areas to communicate with your peers. You should try to communicate only with people you know personally.

What if I get harassing e-mails or instant messages?

You should report any harassing e-mails or instant messages to your parents, teachers, counselor, and anyone else who might be able to help you. These forms of harassing communication are commonly known as **cyberbullying**.

What is cyberbullying?

Cyberbullying involves the use of technology (e-mail, instant messaging, websites, cell phones, etc.) to harass or annoy another person. Cyberbullying is a form of harassing communication and is a crime.

Can I do or say anything online?

Don't assume you are anonymous online. Anything you do on your computer can be tracked back to the computer you are using. Eavesdropping can occur at any point during the delivery of your messages. Even if you delete your e-mail, messages may remain on servers or backup devices for unlimited periods of time. If you are suspected of a crime, law enforcement officials can seize all your e-mail. In certain situations, your Internet Service Provider (ISP) may also be able to legally review the contents of your e-mail.

At work, employers are not required to inform you if they monitor your e-mail. Your boss has a legal right to review all e-mail you send from work, even if you send it through a

private account. If your company is involved in a lawsuit, the opposing side has a legal right to inspect all of your e-mail. You have no reasonable expectation of privacy when it comes to e-mail and instant messaging while at work.

You can expect even less privacy if you choose to create online profiles or personal web pages like those available on "MySpace," "Facebook," "Twitter," or similar websites. While there are some privacy protections, much of the information on such websites is accessible for investigation, and has been the basis of school suspensions, rejection by potential employers, and arrests for illegal activity. Almost anything you do online is subject to public knowledge.

What if I get e-mail from someone I don't know?

It is not a good idea to open e-mail from unknown persons or businesses. Many of these e-mails are called spam. **Spam** is unsolicited bulk e-mail, also known as electronic junk mail. Never open any attachments associated with Spam or any other e-mail from unknown sources. Another form of spam is called **phishing** and it consists of sending e-mail to a user falsely claiming to be a legitimate organization (examples: banks, Ebay accounts, Internet provider services, etc.) asking for the user's password, social security number, bank account numbers and credit card accounts. This information is then used for the purposes of identity theft.

A new variation of phishing is to call a consumer and request such information to "update" or "verify" records. Some "phishers" will ask for the information over the phone, and others will direct the unsuspecting consumer to a legitimate looking website to enter the information. The best approach is to always be careful about giving out your personal information. When such solicitations are made in the name of an institution you already have a busi-

ness relationship with (bank, credit card company, utility company), it is a good idea to verify the need for such information by personally contacting the company with a phone number that you already know is valid, and not with any contact information provided by the person who called or in the e-mail you received.

What about shopping on the Internet?

The Internet offers convenience and accessibility to shoppers, but you should be careful to ensure you receive the items you order and are not a victim of fraud.

When purchasing an item from online retailers that allow individuals to sell items through their sites, such as Ebay or Amazon.com, be careful to use only the official websites. Do not respond to e-mails or "second-chance" auction offers that come from private e-mail addresses, especially if they ask for personal information such as credit card numbers or passwords.

Buy from reputable retailers and be sure you only enter credit card numbers and other sensitive information on secure pages. You will sometimes see a "padlock" icon at the bottom of your screen and the address at the top of your browser will begin with "https." This ensures the information you enter is encrypted. When in doubt, phone your information in, or purchase the item elsewhere. Ebay, Amazon.com, and other retailers have a vested interest in protecting their customers and appreciate reports of suspicious e-mails or sellers.

The Federal Trade Commission's ("FTC") Mail or Telephone Order rule covers products you order by mail, telephone, Internet, or fax. The rule requires that goods you buy through these means must be shipped within the time the seller has advertised. If no time period is specified, the goods must be shipped within 30 days of your order.

If the items cannot be shipped on time, you should be notified of any delay and told when to expect delivery. The seller must also offer to cancel your order and send a refund within one week if you choose not to wait. For more information visit the American Bar Association's site: <http://www.safeshopping.org/>.

What else can I do to stay safe online?

Be aware that some websites are created to hurt people by spreading dangerous, hateful, or false information. Never try science experiments found online without carefully checking with your science teacher and parents. Safekids.com offers this list of safety tips for the Internet:

- Do not give out personal information such as your name, address, telephone number, or the name and location of your school without your parent's permission.
- Tell your parents or teacher right away if you come across any information that makes you uncomfortable.
- Never agree to meet with someone you have met online without first checking with your parents.
- Never send anyone your picture or anything else without first checking with your parents.
- Do not respond to any messages that are mean or in any way make you feel uncomfortable. If you get a message like this, tell your parents or teacher so that they can contact the Internet Service Provider.
- Talk to your parents about general computer and Internet rules. Teachers will also have school computer and Internet rules.
- Never give your password to anyone (even your best friend) other than your parents.
 - Check with your parents or teacher before downloading or installing software or doing anything that could possibly hurt the computer or jeopardize your privacy.
 - Always be a good online citizen and never do anything that hurts other people or is against the law.

Adapted from the brochure, "Child Safety on the Information Highway," by SafeKids.Com founder Larry Magid. (©2004 National Center for Missing and Exploited Children).



JURY DUTY – STATE COURTS

Who is eligible for jury duty in Nebraska?

Citizens of the United States who reside in Nebraska, are over the age of 19, are able to read, can speak and understand the English language, and are physically and mentally capable of serving on a jury are eligible for jury duty in Nebraska.

How do jurors get selected?

Jurors are selected at random from a combined list of registered voters and licensed drivers in a particular county.

If I am called for jury duty, do I have to go?

Yes. You must appear for jury duty unless the judge postpones your jury service because you show undue hardship, extreme inconvenience, or public necessity. You may be found in contempt of court if you fail to appear for jury duty without good cause.

How are jurors selected to sit on a particular case?

Names are called at random from those who have been summoned for jury duty. The judge and lawyers for the parties ask questions to determine if there are any individuals who should be excused from jury duty.

Will I be paid for jury duty?

Yes. For each day you serve, you will receive \$35, plus mileage.

Will I lose my job if I serve on a jury?

No. State law prohibits your employer from firing you or penalizing you by loss of pay, sick leave or vacation time. Your employer may, however, reduce your pay by the daily amount you receive for jury duty.

LANDLORD-TENANT LAW

What law governs landlord-tenant problems?

The Uniform Residential Landlord and Tenant Act governs oral and written agreements for residential property in Nebraska.

What is a lease?

A lease is a contract between a landlord and a tenant. Once the parties enter into a lease, they are usually legally bound by its terms, as long as these terms are not contrary to the landlord-tenant law. An oral lease may be legally binding but it is better to have a lease in writing so the parties' obligations and rights are clearly spelled out. The lease should state who is responsible for paying the utility bills and should spell out each party's responsibility for caring for the premises. Do not sign a lease with blank spaces, and do not rely on promises made by one party but not included in the lease. If you have any questions about the provisions of a lease, talk to your attorney before you sign. You should be provided a copy of the lease; keep it in a safe location for five years after you move out of the property.

What are a landlord's rights?

The landlord has the right to receive rent and collect damages for misuse or negligent destruction of the property, including damages in excess of the tenant's deposit. You do not have the right to withhold rent even if the landlord does not repair the property. In that case, you must give the landlord a 14-day notice to repair or you will vacate in 30 days.

A landlord may charge whatever rent the landlord desires and may charge a security deposit not in excess of

one month's rent and a pet deposit not in excess of one-fourth of one month's rent.

The landlord may establish rules governing the tenant's conduct. Rules must be applied to all tenants in a fair manner and notice of those rules must be given to the tenant at the time the lease is signed. Rules adopted after the tenant signs the lease are enforceable if notice is given to the tenant and if the rule does not substantially change the rental agreement. The landlord's right to establish such rules does not give him or her the right to discriminate on the basis of such factors as race, religion, national origin, color, familial status, sex, or handicap. The landlord may enter a rental unit to inspect the property, make repairs, provide services, or show the property to workers, prospective tenants, or purchasers. Before entering, the landlord must give the tenant at least one day's notice that he or she intends to enter, and the landlord should enter only at reasonable times. The landlord may enter without the tenant's consent only if there is an emergency or if the tenant has abandoned the property. If the tenant abandons the property, the landlord may take immediate possession. The landlord may require tenants who intend to be away from their rental unit for more than seven days to notify the landlord, so the landlord does not assume the property has been abandoned. The landlord must give you notice about selling your abandoned personal property; if it is worth \$250 or more, the money earned from the sale, less expenses, is sent to you or the State Treasurer for you to claim. If your property is worth less than \$250, the landlord may keep, sell or destroy the property if you don't claim it by the stated date.

When can I marry without parental consent?

You may marry without parental or guardian consent once you reach the age of majority, which is 19 years old in Nebraska.

What is the youngest age at which I could marry with parental consent?

In Nebraska, both males and females must be 17 years or older to be able to marry with written consent of their parents or guardians which must be presented to the county clerk before you may get a license. A standard consent form is available online through the Douglas County Clerk's website (www.douglascountyclerk.org) and the consent form must be notarized.

What happens if we get married too young?

The marriage is voidable. This means that the marriage is valid but either party may get an annulment before reaching the legal age.

Is marriage a contract?

Yes, marriage is considered to be a contract. It is a contract in which the State has an interest. Among other things, the State can determine how to get married, what rights you have as a married person and how to end a marriage.

How do I get a marriage license?

You and your fiancé must go to the county clerk's office together to apply. You must both have identification with you—either a driver's license or a certified copy of your birth certificate. You must also provide the clerk with both of your Social Security numbers.

The blood test is no longer required. Both must know the birthplaces of their parents (the city and state or foreign country) and their mothers' maiden name. There is no waiting period; therefore, you may get married immediately after receiving your license. However, you must use the license within one year or it will expire. There is a \$15 fee for the marriage license and a \$5 fee for a certified copy of the license which the bride will need in order to change her name.

What is required for a valid marriage?

There must be a solemnization of marriage, in any form, which includes a solemn declaration in front of a magistrate or minister and at least two witnesses that the couple takes each other as husband and wife. The marriage is void when either party has a husband or wife living at the time of the marriage (bigamy), when either party is mentally incompetent, when the parties are related as family

(incest), or when either of the parties has full knowledge that they have a venereal disease.

Is a wife required to take her husband's last name?

Although it is customary for the wife to take her husband's last name, it is not required by law. If the wife does take his name, she should change her name on her Social Security card, driver's license, credit cards, and bank accounts, and notify other interested people or businesses.

Who has to provide support in a marriage?

In Nebraska, each spouse has the duty by law to provide for the reasonable support and maintenance of the other, as well as minor children and stepchildren, during the continuance of the marriage relationship. What is considered "reasonable" is decided by the court, but generally includes food, shelter and medical expenses, (i.e. the necessities of life).

What happens in a divorce?

A judge will consider child custody, parenting time, child support, financial maintenance of either spouse (alimony), and property or debt division. As a general rule, most assets and debts are divided equally, regardless of marital misconduct. After the judge has granted a divorce, you must wait for six months before you can remarry.

What are the grounds for divorce?

Nebraska is a "no fault" divorce state. That means that there is no longer any requirement of bad behavior (adultery, mental or physical cruelty). All that is necessary is to show the judge that the marriage is "irretrievably broken" such that there is no chance for the husband and wife to reunite.

If I get a divorce, how is my property divided?

Nebraska is an "equitable distribution" state. This means that whenever a marriage is dissolved, the marital property (any property acquired during the marriage, generally excluding gifts and inheritance) will be "equitably" divided between the parties. The court decides how the property and debts will be divided if the parties have not reached an agreement themselves or if the parties' agreement is not acceptable to the court.

Can a father be required to support his child if he is not married to the mother?

Yes, the father of a child whose paternity has been established by the court or admitted by the father can be required to support his child as if he were married to the mother.

MARRIAGE, DIVORCE, AND CHILDREN (continued)

Can a father get custody of his child if he is not married to the mother?

Yes. It is not necessary for the parents to have been married for the father to try to gain custody.

What if a man denies that he is the child's father?

The child, mother, guardian, or the State may bring a paternity action to decide whether he is the father. Generally, if the father does not admit paternity, then genetic tests can be used to provide evidence that he is the father. He is entitled to a jury trial on the question of his paternity.

May a parent's rights be terminated?

Yes, the court may terminate parental rights if it finds that the best interests of the child requires it. Parental rights may be terminated when the child has been abandoned by that parent, when the child has been neglected by that parent, when the parent is unfit, or when the parent is unable to discharge parental responsibilities.

What does "termination" mean?

Termination of parental rights means that the former parent is no longer legally considered the child's parent and no

longer has any of the rights or responsibilities of a parent, including the right to see the child and the duty to pay for the child's support.

If I am being abused by my spouse, do I have to file for divorce to get help from the courts?

No, if you are abused, you can get a protection order from the court. Protection orders are available for everyone, not only battered spouses. A person violating a protection order can be arrested and charged with a crime. Protection order forms are available at the office of the District Court Clerk and online at www.supremecourt.ne.gov/index.shtml.

If I'm being abused, can the State's attorney bring criminal charges against my spouse?

Yes, it is important to call the police immediately and seek medical attention, if necessary. It is also important to make sure there are records of the event, injuries, and any possible witnesses to assist the police.

MINORS AND MEDICAL TREATMENT

Can a minor be examined and treated by a physician for sexually transmitted diseases (STDs) without a parent or guardian's consent?

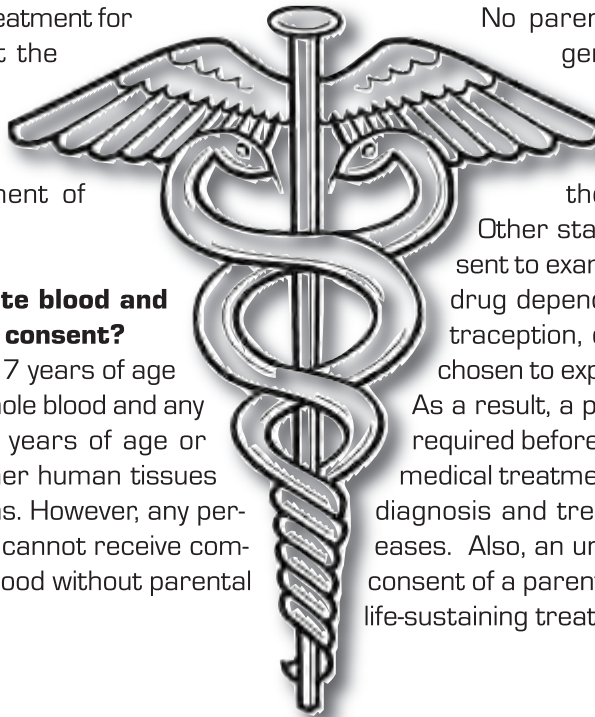
The diagnosis, examination, and treatment for STDs can be performed without the consent or notification of parents or guardians. Parents are responsible for the expenses of diagnosis, examination, or treatment of minors in their custody.

At what age can a minor donate blood and human tissue without parental consent?

Any individual of sound mind and 17 years of age or more can consent to donate whole blood and any individual of sound mind and 18 years of age or more may consent to donate other human tissues such as corneas, bones, or organs. However, any person who is 17 or 18 years of age cannot receive compensation for donation of whole blood without parental permission or authorization.

As a general matter, are there any other situations in which a minor does not need a parent's consent for medical treatment?

No parental consent is necessary if emergency treatment is required and the minor's parents are not available. In other situations, however, Nebraska statutes are stricter than the statutes of some other states. Other states specifically allow minors to consent to examination and treatment for alcohol or drug dependency, for pregnancy, to obtain contraception, or for childbirth. Nebraska has not chosen to expand the rights of consent for minors. As a result, a parent or guardian's consent may be required before unemancipated minors may receive medical treatment, unless the medical care is for the diagnosis and treatment of sexually transmitted diseases. Also, an unemancipated minor would need the consent of a parent or legal guardian in order to refuse life-sustaining treatment.



MINORS AND MEDICAL TREATMENT (continued)

A parent or guardian of a minor who is 18 may execute a power of attorney to delegate the parent's power to consent to treatment of the minor.

What are the rights of an emancipated minor?

Emancipation means the freeing of a person under age 19 from the care, custody, control, and service of the individual's parents. If an individual is emancipated, he or she is considered an adult and can make his or her own medical decisions. Emancipation occurs where a parent renounces all of his or her legal duties as a parent and voluntarily surrenders all the legal rights of the parent's position to the youth or to others. Whether an underage individual is considered emancipated depends upon the facts, the conduct of the individual and his or her parents, and the parents' intentions. For example, a young person who moves out of a parent's home for a short time is not considered emancipated if he or she continues to be supported by a parent. Likewise, if a person under age 19 gives birth to a child of her own, that does not necessarily mean that she is emancipated (but the fact of giving birth may be considered in de-

termining whether the individual has become emancipated). Therefore, consent of the minor's legal guardian may be necessary for the minor to obtain pregnancy-related medical treatment. Emancipation is not necessarily a continuing status. In other words, it can change depending on changing circumstances.

If a person under age 19 is married, he or she is considered an adult under Nebraska law. Service in the military often indicates that a person is emancipated. Living independently of one's parents and being financially independent of one's parents are additional factors that show that a person may be emancipated.

What are the rights of minors regarding medical records and the right of privacy?

A minor's medical records may be released to his or parents or legal guardians, except where the minor has become emancipated. Unemancipated minors do not have a right of privacy from their parents, but otherwise minors do have the right to privacy.

PARTIES

What rules should I remember if I am going to have a party?

A party can be a fun social gathering with friends, but remember to be respectful of your host and other guests. Playing loud music and the use of profane language may be considered disturbing the peace or maintaining a disorderly house and is illegal.

What if someone "crashes" my party?

Usually, parties are by invitation only. If someone shows up and they were not invited, you may ask them to leave.

"Crashing" a party is considered trespassing. If the intruders refuse to leave, you or your parents can call the police and ask to have them removed.

Alcohol at parties:

Alcohol should not be present at parties unless all attendees are of a legal drinking age. Applicable alcohol laws are detailed in another section, but having alcohol at a party with minors can lead to a multitude of offenses including minor in possession and serving alcohol to a minor.

PETS

Are there laws that I must follow as a pet owner?

Yes, Nebraska law requires that you license your dog as required by local ordinance and place a collar on its neck containing a metal tag inscribed with the owner's name. In counties with more than 80,000 residents, it is not permissible for you to let your dog run at large. You will be re-

sponsible for any damage caused by your dog. In addition, local ordinances may impose other requirements on pet owners, such as leash and vaccination laws. Check with your county health department or city officials for more information.

What searches can the government conduct?

The government can only conduct reasonable searches. The Fourth Amendment of the United States Constitution protects individuals from unreasonable searches. This protection is extended to citizens of Nebraska under Article 1 Section 7 of the Nebraska Constitution.

What are reasonable searches?

Generally, searches conducted pursuant to a warrant are reasonable. In most cases, a search is unreasonable if it is conducted without a warrant. A warrantless search is only authorized in specific situations. If a warrantless search is performed, the government will have the burden to prove that the search fell within one of the specific exceptions.

When can a warrantless search be reasonable?

A warrantless search can be reasonable in a few specific situations. First, a warrantless search is reasonable if the individual has voluntarily consented to the search. In other words, protection from an unreasonable search and seizure is waived if the search is voluntarily consented to. Second, a search may be conducted if a law enforcement officer can plainly see incriminating evidence. Finally, a warrantless search is reasonable if the search is conducted due to necessary circumstances or if the search is done incident to an arrest.

What is protected from search and seizure?

Any place or thing with which an individual has a legitimate expectation of privacy will be protected from an unreasonable search. This expectation must be manifested by the individual and considered reasonable by societal standards.

What is a search warrant?

There are two types of warrants: an arrest warrant and a search warrant. A search warrant is an authorized order by a judge or magistrate that allows a government official to search a particular area.

What are the requirements for the government to obtain a warrant?

To obtain a warrant, the government must present specific facts to a magistrate or judge. These facts must create probable cause, in light of all the circumstances, that the search would aid in an apprehension or conviction.

However, the government does not have to show proof of criminal activity to obtain probable cause. Rather, the government only has to show probability or substantial chance of criminal activity to obtain probable cause.

What authorizes a search of an automobile?

Under Nebraska law, the amount of privacy expected in an automobile is less than that expected in a home or office. Thus, there are more exceptions to a warrantless search of an automobile than what is generally allowed. A police officer may search a car if the officer has basic probable cause to conduct the search, the circumstances make a search necessary, the individual consents to the search, the search is done incident to an arrest, the search is done as part of a procedure to inventory an arrestee's property and safeguard law enforcement, or the search is done because the incriminating evidence is in the plain view of the officer.

What searches can be done on students?

Because the school setting requires discipline and order, students are subject to broader rules regarding searches and seizures. School personnel do not need a warrant or probable cause to search the property of a student. Rather, the personnel simply need reasonable grounds to suspect the student is violating the law. Establishing this suspicion may include the student's age and sex. Once there is reasonable suspicion, the search is reasonable as long as the search is not overly intrusive. These types of searches can be conducted on the individual student as well as the student's automobile if it is on school property.

Further, a student may be subject to mass searches. The use of metal detectors has been held by courts to be in compliance with the Fourth Amendment protection from unreasonable search and seizure. Further, the use of drug-sniffing dogs by school officials has been allowed. However, the use of dogs has generally only been permitted to search lockers, not individuals. Courts have also generally allowed mass searches of desks and lockers without a warrant. However, these searches are usually done in accordance with school policy.

Although not a traditional search, drug testing has also been held to be a type of search under the Fourth Amendment. Courts have allowed school officials to administer drug tests without a warrant. However, these tests have generally been restricted to students participating in voluntary school extracurricular activities.

What are sexual crimes?

Sexual crimes involve some sexual contact without consent. The contact does not have to be intercourse.

What is sexual contact?

Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact includes only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Neb. Rev. Stat. § 28-318(5). Sexual contact also includes the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under Neb. Rev. Stat. § 28-320.01.

What does consent mean?

Consent can be withdrawn at any time. The law actually talks about sex acts "without consent."

Without consent means:

The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.

The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent.

A victim need not resist verbally or physically where it would be useless or futile to do so. Neb. Rev. Stat. § 28-318(8) (a)-(c).

What are the penalties for sexual crimes?

The penalty will depend on many things, including the amount of force used, the nature of the sexual conduct, and the age of the victim. Many sexual crimes are considered felonies. Felonies are the most serious type of criminal violation.

If I am 19, and my girlfriend/boyfriend is only 16, is it a crime for us to have sex?

Yes. It is illegal to have any sexual contact with anyone

under 17, even if that person "consents" and you are at least 19 years old. Neb. Rev. Stat. § 28-805.

Can sexual crimes occur within a marriage?

Yes. The same laws that apply to sex crimes outside the marriage apply to sex crimes within the marriage.

Well we had this date – I took her to a movie and dinner – and, you know – I wanted to go all the way – she sure was upset. So is that a crime?

Sexual assault is a crime and is usually a felony. Sexual assault is committed by subjecting another person to sexual penetration of any part of the victim's body in a sexual manner; however slight (a) without consent of the victim, or (b) when a person knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is 19 years of age or older and the victim is less than 16 years, or by subjecting another person to sexual contact (a) without consent of the victim, or (b) when a person knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct. Neb. Rev. Stat. §§ 28-318, 319, 320.

Friendship is not an invitation to sex.

Oh come on – I just grabbed her "butt" – so what's the big deal?

Sexual abuse is a crime, and is usually a felony. A person commits sexual abuse by subjecting another person to sexual penetration or contact under the circumstances described above. Neb. Rev. Stat. § 28-367.

Conviction of nearly all sex crimes requires registration as a sex offender for at least a 10-year period, and possibly for life. Neb. Rev. Stat. § 29-4003-4005. Such registration is usually required even if you relocate to another state.

A victim of harassment that arises out of a dating relationship may also obtain a court order against that harassment. Neb. Rev. Stat. § 42-924.

Someone put a picture of kids having sex on the Internet that I have downloaded to my computer. Is that a crime?

Yes. It is a felony for a person knowingly to purchase, rent, sell, deliver, distribute, display for sale, advertise, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers. Neb. Rev. Stat. § 28-1463.03(2).

Child, in the case of a participant, shall mean any person under the age of 18 years and, in the case of a portrayed observer, shall mean any person under the age of 16 years. Neb. Rev. Stat. § 28-1463.02(1).

SEX CRIMES (continued)

Furthermore, it is a felony to use a computer to knowingly solicit, coax, entice, or lure (a) a child 16 years of age or younger or (b) a peace officer who is believed by such

person to be a child 16 years of age or younger, by means of a computer to engage in a sexual act. Neb. Rev. Stat. § 28-320.02.

SEXTING

What is sexting?

The commonly accepted definition of “sexting” is the sending or receiving of nude, partially nude, or sexually suggestive or explicit photos, often of one’s self via cell phone or computer, or the forwarding of such items that have been received to others. Nebraska has the Child Pornography Prevention Act which has the following as its core provision: “It shall be unlawful for a person to knowingly make, publish, direct, create, provide, or in any manner generate any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.” See Neb. Rev. Stat. § 28-1463.03(1). The Act also makes it unlawful for “a person knowingly to purchase, rent, sell, deliver, distribute, display for sale, advertise, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.” § 28-1463.03(2).

Statistics of sexting?

A recent survey showed that 22 percent of teenage girls have sexted their own picture and 29 percent of teens have received such pictures third hand. Due to the fact that teens do not have a fully developed frontal lobe until the age of 21 or 22 years (the part of the brain responsible for controlling impulses and possible consequences of behaviors) and 99 percent of teens have a phone, this is a dangerous situation. Mary Jo Rapini, *Sex Texting and Your Teenage Son*, (May 12, 2009), at http://www.healthnewsdigest.com/news/Teen_Health_290/Sex_Texting_and_Your_Teenage_Son.shtml. Corey O’Brien, a Nebraska Assistant Attorney General, who frequently speaks to Nebraska middle school students about sexting, reports that when he asks for a show of hands of those students as to whether they have sent or received “sex-texts,” the affirmative response rate is two-thirds to three-fourths of the students.

What are the consequences of sexting?

There are a number of potential practical consequences of sexting, aside from the potential legal consequences. Such photos have a tendency to be forwarded to others, often after the “break-up” of the young people who were sexting in the context of their relationship. Once the relationship has ended the impulse to share and forward the risqué photos may take over. An Associated Press story in late

January 2010 reported that a 14-year-old boy in Lacey, Washington, was arrested after police say he forwarded a photo of his naked 13-year-old ex-girlfriend by cell phone to dozens of students in at least three different schools. Thus, such photos are unlikely to remain private. Plus, the pictures or videos can be around “forever” as they are passed from person to person via the Internet, or made public – and unless the device’s hard drive is destroyed or “washed” the photos can be found on the hard drive even if “deleted” because they are not really deleted. Sexting can result in adverse consequences for future relationships, one’s reputation, and career prospects. In short, what began as youthful impulsive behavior can have long-lasting adverse consequences in many areas of a young person’s life. Consequently, there are some very solid commonsense reasons that minors and young adults should think twice before hitting the “send” key for sexually explicit material.

For a detailed article by Judge Richard D. Sievers, please visit the Foundation’s website at <http://www.nebarfnd.org/age-of-majority>

What are the penalties associated with sexting?

A violation of the Child Pornography Prevention Act is a Class III felony carrying a minimum of one year and a maximum of 20 years’ imprisonment, a \$25,000 fine, or both, if the defendant is under 19 at the time of the violation. If the defendant is older than 19 at the time of the violation, the crime is a Class ID felony with a maximum of 50 years’ imprisonment and a mandatory sentence of three years. And, if the defendant has previously been convicted of a sex crime, the penalties for violation of the Act are increased. Furthermore, each act can be considered a separate claim; in other words, sending an illegal image to 12 of your best friends can result in 12 separate charges of violating the Act.

Conclusion

There is the well-known, and true, statement that “ignorance of the law” is no defense. But, knowledge of the law can avoid serious difficulties with lifelong consequences. By outlining the impact of turning 19 with respect to sex crimes, perhaps a child will not be victimized and a young adult will avoid becoming a convicted criminal—the consequences of which are life long.

What services are provided by the taxes I pay?

Citizens of every community receive benefits and services that are provided by the government. These services include police and fire protection, public schools, public parks, and street and highway systems to name a few. These services are paid for by businesses and citizens through the taxes they pay to cities, counties, the state, or the federal government.

What taxes are you, as a citizen of the community, required to pay to the government?

- **Individual Income Tax:** When you enter the work force, the income paid to you becomes subject to income tax. Normally, employers will withhold the tax from the wages paid to each employee. However, if you are self-employed, you are responsible for sending the tax directly to the federal and state governments through estimated income tax payments.

On or before April 15 of each year, you will be required to file a federal and state income tax return to report your earnings and income tax due for the preceding calendar year. The tax withheld by your employer (or your estimated tax payments) are used to offset any tax liability computed on the return.

If you should become an owner of a business, you will be responsible for withholding income tax from the wages of your employees, and remitting sales tax on any sales of taxable merchandise. You may also have to pay tax on your business income.

- **Social Security and Medicare Taxes:** These are withheld from your paycheck along with federal and state income taxes. The Social Security taxes are administered by the U. S. Social Security Administration, and these taxes pay for old age, survivor, and disability payments when you become eligible for them. The Medicare tax pays for future Medicare insurance coverage. Your employer will match the amount of Medicare taxes taken from your paycheck.
- **Property Taxes:** When you purchase any real property, such as a house, you will be required to pay property tax on the value of the property. Property taxes on houses are due twice each year and are paid to the County Treasurer. Many banks collect a portion of the tax each month along with the monthly house mortgage payment. They in turn remit the tax to the local government on behalf of the homeowner. Property taxes are also paid on your motor vehicle every year the vehicle is licensed.
- **Sales Tax:** As a consumer of goods and services, you have probably noted the sales taxes which you have paid on your clothing, school supplies, and entertainment purchases. Sellers are required to obtain a sales tax permit

from the state and must collect the sales tax when they make a sale. This tax is then sent to the state on a monthly, quarterly, or annual basis by the seller. When you purchase a motor vehicle, sales tax is due to the county you reside in, and not to the vehicle dealer. The vehicle dealer should give you all the documentation needed to pay the appropriate amount of sales tax at the time you license the vehicle.

- **Other Taxes:** In addition to income, property, and sales taxes, there are a number of other taxes which may be collected from you. For example, a tax is imposed on all motor fuels that you put into your motor vehicle and this tax is included in the price. If you open a business of your own, there may be additional taxes for which you are responsible. You should contact your federal, state, and local authorities to determine which tax programs apply to your business.

What types of income are taxable?

Most people know that wages and salaries are taxable income. What about cash received for repairing a neighbor's car, additional stock received under a dividend reinvestment plan, or illegal income such as stolen or embezzled funds? All of these have one thing in common – they are taxable income. No matter what it is called, income is taxable unless the tax law specifically states that it is not. Income is not limited to money. It can be property or services bartered for other property or services, or benefits paid for by your employer. It can be income from a hobby, a second job, or from self-employment, even if you do not have a formal company.

Is there any income that is not taxable?

Examples of income that, for the most part, are not taxable include gifts, inheritances, certain payments received as compensation for discrimination or physical injury, black lung benefits, and Workers' Compensation benefits.

For more information on taxable and non-taxable income, call 1-800-829-3676, or visit the IRS's website www.irs.gov, to obtain IRS Publication 525, Taxable and Nontaxable Income.

What about tips I receive? Are these taxable?

Tips that workers receive are taxable income. All tips are taxable income whether or not workers must report them to the employer. Employers must withhold income, Social Security and Medicare taxes on those tips which are reported to them. Your employer must report this withholding to the IRS.

What is a W-4?

It is Form W-4, "Employee's Withholding Allowance Certificate." This form could make the difference between writing a check or getting a refund when filing a federal or state income tax return.

The information you give your employer on Form W-4 helps determine the amount of tax that is withheld from your pay for federal and state taxes. To make sure tax withholdings will be the right amount, you should consider both personal and financial situations. Changes in either of these, and, of course, in the tax law, could affect withholding. Each allowance claimed on Form W-4 decreases the amount of tax withheld. If the number of allowances is more than 10, the employer must send a copy of the W-4 to the IRS. The IRS may ask you to justify the number claimed.

Form W-4 is valid until another one is filled out, with one exception: If you meet the qualifications for exemption from withholding, you must fill out a new W-4 each year you are eligible for the exemption. Otherwise, give the completed Form W-4 to your employer and only revise it when your personal or financial status changes. The same Form W-4 is used to determine the state taxes withheld.

Publication 505, *Tax Withholding and Estimated Tax* and Publication 919, *How Do I Adjust My Withholding?* explain how to complete the W-4 worksheet and form. Call 1-800-829-3676 or visit the IRS's website, www.irs.gov, to obtain a free copy.

What about keeping records?

Keeping good records can save you money and time. Filing taxes can be a lot easier when you have a clear-cut place to start, even if that means hauling out the shoebox filled with receipts and canceled checks. Being able to find these records can help later if you need to file an amended return, if the IRS, or the state, selects your return for examination, or if you get a bill for additional tax. Not having the right receipt can cost you money.

Usually you should keep copies of your returns for at least three years. Past years' tax returns can be used as guides for filling out current year returns. Another important reason for keeping copies of tax returns is because you need to show copies of your returns when you apply for different types of loans, like student financial aid.



Need help preparing your taxes?

Publication 17, *Your Federal Income Tax*, takes you step by step through the federal tax return. It explains the credits you may be able to take to reduce your tax and gives examples of how tax laws apply to typical situations. Call 1-800-829-3676 or visit the IRS's website, www.irs.gov, to obtain a free copy. You may file your tax returns electronically and allow the software to guide you through the completion of the return by simply answering questions posed by the software. For assistance in completing your state taxes, call the Nebraska Department of Revenue at 1-800-742-7474 (in Lincoln, 402-471-5990) or visit the Department's website at www.revenue.ne.gov.

How do I file a tax return?

Choosing a tax preparer or method of self-preparation that is right for you may be easier if you answer a few questions first. How complicated is your tax situation? Do you want to file a paper return or file your return electronically? Finding the answers to these questions may help you make the right choice for you personally.

How can I obtain information concerning my federal and state taxes?

You can obtain information regarding federal income taxes and download federal tax forms by accessing the IRS website, located at www.irs.gov. If you are unable to find answers to federal income tax questions on the IRS website, you may contact the IRS toll-free assistance line at 1-800-829-1040 for individual tax questions or 1-800-829-4933 for business tax questions. Hearing-impaired persons who have a telecommunications device for the deaf (TDD) can call the IRS toll-free at 1-800-829-4059.

If you have questions regarding state taxes, you may contact the Nebraska Department of Revenue's Taxpayer Assistance number, 1-800-742-7474 (in Lincoln, 402-471-5990). Hearing-impaired persons who have a telecommunication device for the deaf (TDD) can call Taxpayer's Assistance at 1-800-382-9309 (in Lincoln, 402-471-5740). The fax number for the Nebraska Department of Revenue is 402-471-5608. You may obtain state tax information and download state tax forms by accessing the Nebraska Department of Revenue's website, located at www.revenue.ne.gov.

Technology

Today's technology brings us faster computers, the World Wide Web (known as the Internet), cell phones, digital cameras, and much more. As you learn about technology and all of its uses, you must also be aware of the restrictions and laws concerning the use of certain devices. It is also important to use safety precautions when chatting on your cell phone or online. Computers, the Internet, and cell phones are great ways to keep in touch with your friends. The Internet is also a great way to do research work for school and listen to music. Have you ever downloaded music, taken photos with your cell phone, chatted online with friends, or entered any personal information online? If so, you might be violating a law or putting yourself at risk of identity theft or personal harm. This chapter will address many laws and safety precautions you need to be safe in the world of technology.

What is computer hacking?

Computer hacking is gaining access to computer networks or an individual computer without authorization. It is illegal to hack into another computer or network, and is a felony or misdemeanor. Neb. Rev. Stat. §§ 28-1343.01, 28-1347.

Can I download music or videos?

Yes, only if you use a legal music or video downloading service operating with the consent of the recording or movie industry. Be cautious of free download sites, as they may not comply with the law and downloading from them may expose your computer to risks of viruses. Most legitimate sites charge a small fee per download for legal copies of music or videos.

What makes downloading music illegal?

It is against the law to download music, movies, or other media if you are violating its copyright. Industries are protected under the U.S. Copyright Act, and if someone is suspected of violating this, he or she and the owners of the computer can be prosecuted. The "No Electronic Theft Act," or NET, allows for criminal enforcement of U.S. Copyright laws. 18 U.S.C. §2319; 17 U.S.C. §506.

The "No Electronic Theft Act" was passed into law in 1997. NET allowed for criminal enforcement of U.S. Copyright laws against people who have no profit motive. 18 U.S.C. §2319; 17 U.S.C. §506. The duplication of copyrighted material is illegal. Under federal law a person can be prosecuted for the Criminal Infringement of a Copyright

and can be punished by up to 10 years in prison and fined up to \$50,000. 17 U.S.C. §506; 18 U.S.C §2319.

Is it illegal to share games and software?

Yes, it is illegal to copy and share computer software. Software piracy is the unauthorized duplication of computer software. Copying software is an act of copyright infringement and is subject to civil and criminal penalties. Copying software is illegal whether you use pirated software yourself, give it away, or sell it. All software is copyright-protected, and the copyright is enforceable for 95 years. If you copy software, you can be liable for any damages suffered by copyright owners up to \$150,000 per title infringed or up to \$250,000 and five years in jail. 17 U.S.C. §506; 18 U.S.C §2319; §§13A8-100 and 13A8-102.

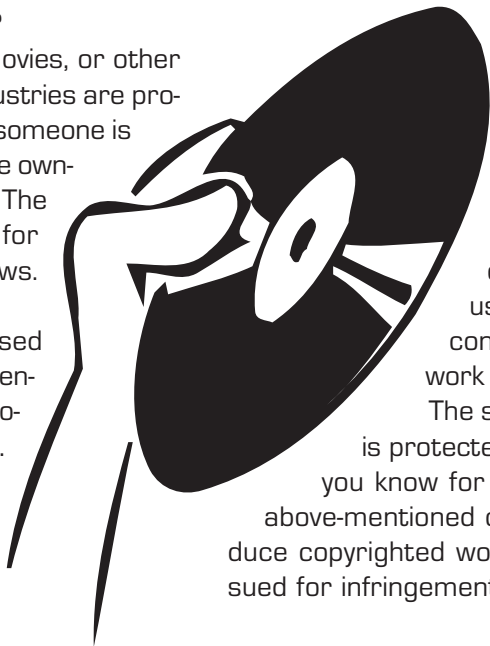
What is a copyright?

A copyright is a bundle of rights that exists in works that are creative or artistic, such as literary works, movies, musical works, sound recordings, paintings, photographs, choreography, software and industrial designs. The owners of these rights can control how their work is used for a limited time, as well as sell, license, or otherwise use the work to their benefit.

The only way to legally use a copyrighted work is to obtain permission from the copyright owner. Giving credit to the owner of the work (such as listing the name of the person who took a photograph) does not give you the necessary permission, and using that work may still make you liable for copyright infringement.

The only exception to using copyright work without permission is known as the "fair use" exception. Fair use allows the public to use portions of copyrighted material for such things as criticism and commentary, news reporting, research and scholarship, nonprofit educational use and parody. However, whether a use is "fair" or not depends on a variety of factors, including how much of the work is used, and is usually decided within the context of a lawsuit. Using the entire work is not fair use.

The safest path is to assume all material is protected by copyright or trademark unless you know for a fact it is not. In addition to the above-mentioned criminal punishments, if you reproduce copyrighted work without permission, you can be sued for infringement by the copyright owner. Lawsuits



TECHNOLOGY (continued)

are even more likely if you make money or cause the owner of the work to lose profits by your infringing use.

["On Your Own, Your Legal Rights and Responsibilities as an Adult" The Law Related Education Committee, Iowa State Bar Association]

What if I accidentally go to a pornographic website?

Many schools and others use Internet blocking software to prevent Internet users from accidentally entering pornographic websites. If you find yourself on a website that is inappropriate, you should immediately exit the site and report it to your teacher or parent.

THE SELECTIVE SERVICE SYSTEM AND MILITARY SERVICE

What is the Selective Service System?

The Selective Service System is a federal agency in charge of providing manpower to the Department of Defense in the event of a national emergency.

Who is required to register for the Selective Service System?

All male citizens (and all male immigrant aliens residing in the United States) who were born after December 31, 1959, must register within 30 days of their 18th birthday.

How do I register for the Selective Service System?

The easiest method of registration is on the Internet: www.sss.gov. As an alternative, in many cases Selective Service will contact potential registrants by direct mail with forms that need to be completed and returned by mail. Also, United States Post Offices stock registration forms which can be completed and mailed to Selective Service. Only one method of registration should be used by an individual.

Will I receive proof of registration when I register?

If registering on the Internet, you will be assigned a registration number immediately.

With all methods of registration you will receive an acknowledgment form within 90 days. You should keep this

form in a safe place as it serves as official proof of registration.

What happens if I don't register?

Failure to register may violate the Military Selective Service Act. A conviction could result in imprisonment for up to five years and/or a fine of up to \$250,000.

In addition to these penalties, individuals failing to register may not be allowed access to federally guaranteed student loans, federal jobs, and federal job training. Further, if the individual is not yet a citizen, citizenship may be denied. An individual cannot register after he reaches age 26, possibly resulting in permanent forfeiture of these rights.

How old do I have to be to enlist in the military?

You must be 18 years old to enlist without parental consent. You may enlist at age 17 with parental consent.

How can I get more information on the Selective Service System?

Visit the Selective Service System website at www.sss.gov. Most libraries and schools have Internet accessible computers which can be used for this purpose. You can also contact Selective Service at 888-655-1825 and information can be sent to you.

TORTS

What is a tort?

Tort law protects a person's interest in his or her bodily security, tangible property, financial resources, or reputation. Interference with one of these things is usually grounds for a lawsuit, with damages awarded in the form of monetary compensation. The amount of damages usually aims to put the person back in the same position they were before the tort was committed. For example, if you hit someone, you may be responsible for his or her medical bills.

What are some examples of torts?

• Torts against people are those torts that harm the per-

son. Some examples include battery, assault, false imprisonment, and intentional infliction of emotional distress.

- Torts against property are those torts that involve some intentional interference with another's property rights. Examples include trespass and conversion (stealing is one form of conversion).
- Dignitary torts are those torts that don't cause physical harm to a person, but rather harm to reputation. Some examples include defamation, slander, and libel.
- Negligence is the broadest area of tort law and includes most personal injury cases.

What is a driver's license or permit?

A driver's license or permit is any license or permit that authorizes an individual to operate a motor vehicle. A valid driver's license or permit is required to operate a motor vehicle on any Nebraska roadway or public parking area.

What is a motor vehicle?

A motor vehicle includes any vehicle not propelled by muscle power. This does not include personal electric wheelchairs, farm tractors, road rollers, rail or track vehicles, or off-road vehicles such as golf carts, go-carts, riding lawn mowers, garden tractors, ATVs, minibikes, or snowmobiles.

What types of driver's permits are available in Nebraska?

A potential driver in Nebraska may obtain a driver's permit as early as two months before his or her 14th birthday. This permit, named an LPE-learners' permit, is allowed only to those individuals preparing to obtain a school permit. This allows a person to drive any motor vehicle other than a commercial motor vehicle.

A school permit can be issued to an individual who is at least 14 years of age but less than 16 years of age for the purpose of driving to and from school. To obtain this permit, the student must live at least one and one half miles from the school and either live outside a city or attend a school outside a city. In addition to driving to and from school, this permit allows the student to drive while accompanied by a valid driver's license holder who is at least 21 years of age and sitting in the front passenger seat. A person seeking a school permit must have an LPE-learner's permit for at least two months prior to obtaining a school permit.

An LPD-learner's permit can be issued to any person who is at least 15 years of age. This permit is issued for learning purposes and the driver must be accompanied by an adult of at least 21 years of age who has a valid driver's license.

When the driver reaches the age of 16, he or she can obtain a POP-provisional learner's permit. This permit authorizes the operation of any motor vehicle except a commercial motor vehicle and expires on the driver's 18th birthday. In addition to passing a written test and being instructed on safety issues, a POP-provisional learner's permit will only be issued when a driver presents a certificate signed by a licensed driver who is at least 21 years old stating that the driver applying for the permit has completed 50 hours of lawful motor vehicle operation.

In addition to these permits, there are several other permits that may be obtained. These permits include a commercial vehicle learner's permit, a farm permit, an employment driving permit, a seasonal permit, and a medical hardship permit.

What types of driver's licenses are available in Nebraska?

The most common type of driver's license in Nebraska is a Class O license. This license is given to a person at least 18 years of age and allows operation of any motor vehicle except a commercial vehicle. A Class O license may be obtained by a person younger than 18 years of age if the driver has had a POP-provisional learner's permit for at least one year and has not accumulated any points.

A Class M license is a license that authorizes a person to operate a motorcycle. This license can be issued in conjunction with any license or permit.

A CDL-commercial driver's license authorizes the operation of a class of commercial motor vehicles.

A RCDL-restricted commercial driver's license authorizes the operation of a commercial motor vehicle. However, this license must be used in conjunction with a seasonal permit and can only be used for farm- or ranch-related service.

How can I obtain a driver's permit or license?

A driver's license may be obtained through any local county clerk or Department of Motor Vehicles office.

What restrictions on driving do I have?

Nebraska has implemented a graduated driving license program. Thus, drivers with a POP-provisional driver's permit are only allowed to drive between 6 a.m. and midnight. However, a driver with this permit may operate a vehicle at any time if (1) the driver is en route to his or her home, employment, or school activity or (2) is accompanied by an adult of at least 21 years of age who has a valid driver's license.

What will I have to do to get a driver's license or permit?

Generally, a written test, driving test, and vision test must be successfully completed before a license or permit will be issued. However, with some permits and licenses, the written or driving test may be waived. If the driver completes a driver safety course approved by the Department of Motor Vehicles, the written and driving tests will be waived. If the driver provides proof the 50-hour certification, the written test will be waived. There will also be a fee for the issuance of a driver's license or permit.

What else do I need before driving?

Aside from a driver's license or permit, all drivers are required to carry proof of current registration and insurance on the motor vehicle he or she is operating.

Can I drive with alcohol in the car?

Drinking while driving is a serious criminal offense that car-

TRANSPORTATION (continued)

ries heavy consequences. This is discussed in the Alcohol section of this brochure. Additionally, there are restrictions on simply transporting alcohol in a car. It is unlawful for a driver or any passenger to have on open container of alcohol inside a vehicle when the vehicle is being operated or located in a public parking area. An open container can be transported in the trunk or behind the last upright seat of the vehicle if the vehicle does not have a trunk. Any container that contains alcohol and has a broken seal is considered open. Thus, for example, a bottle of wine that has

been re-corked is considered an open container and cannot be transported in any area of a vehicle where the driver or passenger(s) have ready access to it.

How can I have my driver's license or permit revoked?

Nebraska revokes driver's licenses and permits based upon a point system. Under this system, any driver who accumulates more than 12 points within a two-year period will be subject to revocation of the driver's license or permit. Points are accumulated for traffic violations.

VOTING

Who is eligible to vote in Nebraska?

You must be a United States citizen, live in Nebraska, and be at least 18 years of age on or before the first Tuesday after the first Monday of November.

Where do I register to vote?

You may register to vote in person at the Election Commissioner's office or County Clerk's office in your county. You may also register to vote when applying for or changing an address on your driver's license. Registration is also offered when applying for state-provided public assistance or services to the disabled. You may register to vote by mail. Mail applications are available from the local election official's office and the Secretary of State's office, and many counties provide applications at locations such as banks, post offices, and libraries. Mail applications may also be obtained from the Secretary of State's Internet website: www.sos.state.ne.us/forms/pdf/vr.pdf.

When do I register to vote?

If you register to vote in person at the Election Commissioner or County Clerk's office, the deadline for completing your registration is 6 p.m. on the second Friday preceding the election that you intend to vote in. Mail-in registrations

must be postmarked on or before the third Friday preceding the election that you intend to vote in.

Where do I vote?

If your application is complete, you will receive a notification by mail indicating that you are a registered voter and stating the location of your polling place. If required information is missing from your application, you will be notified by mail that your application is incomplete and that some additional information is needed.

If you are unsure of your polling place, contact the local Election Commissioner or County Clerk.

May a college student register and vote from a school address?

Yes, you may decide to register and vote from either your school address or home address. If you want to vote from your home address, write your county clerk and ask that a voter registration form and absentee ballot be mailed.

Do I ever have to re-register to vote?

You must re-register to vote whenever you change your name, your permanent address, or your political party affiliation.

WATER SPORTS

Can I drive a boat or a personal watercraft?

Maybe. No one under 14 years of age shall operate a motorboat of any class at any time. All motorboat operators under 18 years of age must complete a Boating Safety Course and be in possession of a course certificate when operating the boat. However, you must be at least 16 years of age to pull a water skier, tuber, wake boarder, etc.

Do I have to wear a personal floatation device?

Maybe not, but it's a really good idea. Nebraska law only requires that children under 13 years of age wear a U.S. Coast Guard-approved life preserver, but it's best practice for everyone.

Can I own a gun?

Individuals 18 years of age and older may own a rifle or shotgun. A rifle is a weapon which is intended to be fired from the shoulder and fire a single projectile. A shotgun is a weapon which fires either a number of ball shots or a single projectile for each pull of the trigger. 18 U.S.C. § 921. Persons 21 years of age and older may own a handgun. 18 U.S.C. § 922. A handgun is any firearm less than 16 inches in length or any firearm designed to be held and fired with a single hand. Neb. Rev. Stat. § 69-2402.

Are there limitations on the type of gun I own?

A person may not own a machine gun, rifle with a total length of less than 26 inches or a barrel less than 16 inches long, or a shotgun with a barrel less than 18 inches in length or which has an overall length of less than 26 inches. Neb. Rev. Stat. § 28-1201, 28-1203.

Can I use a gun even though I do not own it?

Yes, even someone younger than the age of ownership may use it for recreational activities with permission from the adult owner. A minor may possess a rifle or shotgun as long as it is not concealed, meaning it must be in clear sight of the casual observer.

Are there special limitations on hand guns?

Yes. Handguns may not be purchased or otherwise transferred to someone who has not obtained a certificate from the chief of police or sheriff of the applicant's place of residence. This exception does not apply to transfers within one's immediate family. Neb. Rev. Stat. § 69-2404. Also, you must be 18 years of age to possess a handgun. Neb. Rev. Stat. § 28-1204

What about concealed handguns?

Nebraska allows citizens to obtain a permit to carry a concealed handgun. A concealed handgun is one that is totally hidden from view. In order to obtain a permit, one must be at least 21 years of age; not be prohibited from carrying a firearm under federal law; possess the eyesight required to obtain a drivers license; not have pleaded guilty to or been convicted of a felony or crime of violence; not habitually be in an intoxicated or drugged state; have no history of violence; not have been determined to be a mentally ill dangerous person within the previous 10 years; reside in the county where the application is made for at least

180 days; have no violations of any law relating to firearms, unlawful use of a weapon, or controlled substances within the previous 10 years; not be on probation, parole or house arrest or work release; be a citizen of the United States; not be under investigation for an offense that would prohibit the applicant from obtaining a permit; and provide proof of completing a firearms training and safety course approved by the Nebraska State Patrol.

What happens if someone takes a gun to school?

Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of a Class IV felony. If discovered, your firearm will be confiscated and destroyed. Neb. Rev. Stat. § 28-1204.04.

Any student who knowingly or intentionally possessed, used, or transmitted a firearm on school grounds, in a school vehicle or a school-sponsored event will be expelled from school for not less than one year. Neb. Rev. Stat. § 79-263.

What are the rules regarding bombs and other explosive devices?

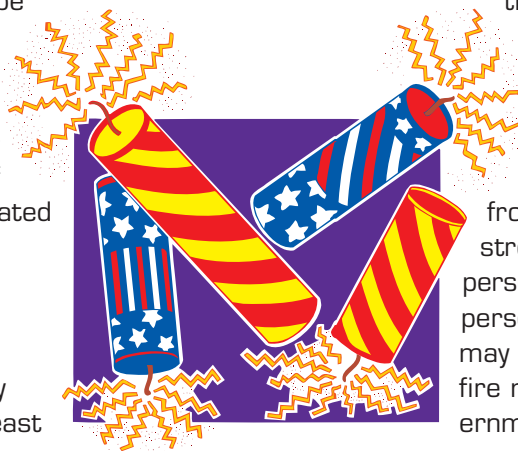
A person who is in possession of a bomb or similar destructive device is guilty of a felony. Neb. Rev. Stat. § 28-1220. A person who makes a threat regarding a bomb or places a device which appears to be a bomb is guilty of a felony. Neb. Rev. Stat. § 28-1221.

What fireworks are legal under Nebraska law?

Only sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet-type color aerial shells without explosive charge for the purpose of making a noise, lady fingers, not to exceed seven-eighths of an inch in length or one-eighth inch in diameter, total explosive composition not to exceed 50 milligrams in weight, and color wheels are permissible for private use in Nebraska. Neb. Rev. Stat. § 28-1241. Possession of fireworks other than those which are permitted is a crime. Neb. Rev. Stat. § 28-1244.

Are there any uses of fireworks which are criminal?

It is a misdemeanor to throw fireworks from or into a motor vehicle, onto any street, highway or sidewalk, at or near any person, into any building, or into any group of persons. There are other restrictions that may be placed on shooting fireworks by the fire marshal or by your city or county government.



Who may make a will in Nebraska?

Nebraska law allows any person who is 18 years of age or older and of sound mind to make a will.

How do I make a will?

An attorney should be used in making a will whenever possible, because attorneys have training and expertise about wills. A will is much more than just a list of the individuals that you want to receive your property. An attorney will assist you by discussing the nature and extent of your property, the tax consequences of what you want to do, the situations where trust arrangements may be beneficial for younger beneficiaries or for those incapable of managing their own assets, the selection of a guardian and conservator for children, and the selection of a personal representative and trustee to gather assets, pay bills, and distribute assets to those entitled to them. The attorney will generally provide comprehensive powers of administration in a will in order to simplify estate proceedings and may provide for a waiver of the requirement that a personal representative or trustee be bonded. In Nebraska, you may make your own will (called a "holographic will") if it includes, all in your handwriting, a description of what you want done with your estate, the date on which you wrote the will, and your signature. Holographic wills should generally only be completed when there is an urgent situation and it is not possible to visit with your attorney about the completion of a will.

When do I need a will?

Any individual who has children or has acquired more than a minimal amount of assets should have a will. With young children, you should have a will in order to select the guardian and conservator you would want raising your children and looking after their inheritance if something should happen to you. In the absence of your selection, a court will try to do what is in the best interests of your children. Additionally, with young children, you may want to provide for a trust arrangement for management of their inheritance from you. A trust arrangement will generally provide much more flexibility than a court-supervised conservatorship, and a trust arrangement may also be drafted to continue past the age of 19.

Normally, a young married couple will own all property in joint tenancy with right of survivorship or have the spouse as designated beneficiary on life insurance or retirement plans. This is usually fine between spouses and this type of ownership passes outside the will provisions. If children are involved, it is then desirable to change at least the contingent beneficiary designations on insurance policies and retirement plans in order for the assets to pass through the

will and to any trust arrangement provided for the children. If you do not have a will, state law will determine who inherits any property that is not owned in joint tenancy with right of survivorship or that has no designated beneficiary. This may not always coincide with whom you want to inherit your property. Care must be exercised in beneficiary designations on retirement plans in order to avoid adverse tax results. Again, an attorney can advise you on making proper beneficiary designations.

What is a power of attorney, and should I have one of those also?

A power of attorney is a document that must be executed in a formal manner in the presence of a notary public. It is used to appoint an agent (called an attorney in fact) to do things for you. The power of attorney may be either very broad (called a general power of attorney) or very narrow (called a limited power of attorney). A power of attorney may be drafted to be a "durable" power of attorney, in which case the authority granted by the document will continue even if you become incapacitated by accident, illness or otherwise. With a durable general power of attorney, your financial matters can generally be handled without court proceedings in the event of your incapacity. Attorneys generally recommend that you have a durable power of attorney if you have someone you have absolute confidence in to manage your financial affairs without court supervision in the event of incapacity. This recommendation is even true when you own all property jointly with another individual because there are some items of property which will require both signatures rather than only one of the joint owners.

What is a "living will" and should I have one of them also?

Living wills are also sometimes called "health care powers of attorney" or "health care directives." A living will is a document that is meant to be a written statement of your wishes about the continuance of artificial life support under certain medical conditions.

Living wills are authorized by state law and are a method for you to express your instructions on these matters instead of relying only upon family members and the medical community to determine the nature and extent of treatment and the maintenance of artificial life support measures. State law in Nebraska also permits you to designate which individuals you may want to make health care decisions for you if you are unable to make your own health care decisions. Designating an individual to make your health care decisions and providing a living will as a statement of your wishes is the best method to assure that your

WILLS, POWERS OF ATTORNEY, AND LIVING WILLS (continued)

wishes, whatever they may be, are carried out. Frequently, the statement regarding medical care (the living will) and the appointment of a health care decision-maker (a power of attorney for health care) will be made in the same document. As state law does have some stringent requirements regarding these documents, it is recommended you have one prepared by an attorney to reflect your wishes.

How do I make an anatomical gift?

Organ donation can be designated when you receive your motor vehicle operator's license. Your signature must be witnessed by Drivers License Examining Personnel.

RESOURCES

- | | | | |
|--|---|---|--|
| American Arbitration Association | (800) 778-7879
www.adr.org | Equal Opportunity Commission—Omaha | (402) 595-2028
www.neoc.ne.gov |
| American Bar Association
Section on Dispute Resolution | (202) 662-1680
www.abanet.org/dispute/ | 1313 Farnam
Omaha, NE 68102-1836 | |
| Association for Conflict Resolution | (202) 464-9700
www.acrnet.org | Equal Opportunity
Commission—Scottsbluff | (308) 632-1340 |
| Attorney General's Office | (402) 471-2682
(800) 727-6432 | 4500 Ave I
Scottsbluff, NE 69361-4907 | |
| State Capitol Building
Lincoln, NE 68509
(Consumer Protection) | | Health & Human Services,
Nebraska Department of | (800) 430-3244
www.hhs.state.ne.us/ |
| Better Business Bureau | (402) 436-2345 | 301 Centennial Mall South
Lincoln, NE 68509 | |
| 3633 "O" Street, Suite 1
Lincoln, NE 68510 | | US Citizenship & Immigration | (402) 438-0014 |
| Citizen's Guide to the
Nebraska Appellate Courts | (402) 471-3730
www.supremecourt.ne.gov/press/pdf/citzguide.pdf | 850 S Street
Lincoln, NE 68508 | |
| Civics Nebraska Partnership | (402) 471-2295
www.nde.state.ne.us/ss/civicsnebraska.htm | Insurance, Nebraska Department of | (402) 471-2201 |
| Crime Commission | (402) 471-2194
www.ncc.state.ne.us | 941 "O" Street, Suite 400
Lincoln, NE 68508 | |
| 301 Centennial Mall South
5th Floor
P.O. Box 94946
Lincoln, NE 68509-4946 | | Internal Revenue Service | (800) 829-4477
(877) 777-4778 |
| Equal Opportunity Commission | (800) 642-6112
www.neoc.ne.gov | Automatic Tax or Refund Information
Taxpayer Advocate
#505 <i>Tax Withholding and
Estimated Tax</i> | (800) 829-1040
(800) 829-1040
(800) 829-1040 |
| 301 Centennial Mall South
5th Floor
P.O. Box 94934
Lincoln, NE 68509-4934 | | #525 <i>Taxable & Nontaxable Income</i>
#941 <i>Are Tips Taxable</i>
#919 <i>How Do I Adjust My Tax
Withholding</i> | (800) 829-1040
www.irs.gov |

RESOURCES

Juror Orientation Video

Nebraska State Bar Foundation (402) 475-1042
635 South 14th Street, Suite 120 Fax (402) 475-7106
P.O. Box 95103 www.nebarfnd.org
Lincoln, NE 68509 doris@nebarfnd.com

Labor, Nebraska Department of

Job Service (402) 471-9000
550 South 16th Street www.dol.nebraska.gov
Lincoln, NE 68508
(Employment)

Labor, U.S. Department of

Wage and Hour Division (402) 471-9000
550 South 16th Street www.dol.gov
Lincoln, Nebraska 68508

Marriage License Information

Lancaster County Clerk (402) 441-8448
1200 Radcliff Street
Lincoln, NE 68512-2506
(Marriage, Divorce and Children)
(Or County Clerk of your county)

Motor Vehicles, Nebraska Department of

(402) 471-2281
301 Centennial Mall South www.dmv.state.ne.us/
P.O. Box 94789
Lincoln, NE 68509-4789

Nebraska State Bar Foundation

(402) 475-1042
635 S. 14th Street, Suite 120
P.O. Box 95103
Lincoln, NE 68509-5103

Nebraska Office of

Dispute Resolution (402)-471-2766
State Court Administrator's Office
521 S. 14th St., Ste. 200
Lincoln, NE 68509
www.supremecourt.ne.gov/mediation/index.shtml

Revenue, Nebraska Department of (402) 471-5729
301 Centennial Mall South (800) 742-7474
P.O. Box 94818 www.revenue.ne.gov/
Lincoln, NE 68509-4818

Secretary of State

(402) 471-2554
State Capitol Building, Suite 2300 www.sos.state.ne.us
P.O. Box 94608
Lincoln, NE 68509-4608
(Voting)

Selective Service

www.sss.gov
(888) 655-1825

Supreme Court

(402) 471-3730
State Capitol, Room 2413
P.O. Box 98910
Lincoln, NE 68509-8910

Victims of Crime, Nebraska Coalition for

(800) 944-NCVC
P.O. Box 83412
Lincoln, NE 68501
www.necvc.org

ELECTED OFFICIALS

PRESIDENT OF THE UNITED STATES

Honorable Barack Obama

1600 Pennsylvania Avenue, NW (202) 456-1414
Washington, DC 20500

UNITED STATES SENATORS

Honorable Mike Johanns

294 Federal Building (402) 476-1400
100 Centennial Mall North fax (402) 476-0605
Lincoln, NE 68508 johanns.senate.gov

Honorable E. Benjamin Nelson

440 N. 8th Street (402) 441-4600
Suite 120 fax (402) 476-8753
Lincoln, NE 68508 bennelson.senate.gov

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Honorable Jeff Fortenberry (1st District)

301 S. 13th Street, #100 (402) 438-1598
Lincoln, NE 68508 fortenberry.house.gov

Honorable Lee Terry (2nd District)

11717 Burt Street Suite 106 (402) 397-9944
Omaha, NE 68154 fax (402) 397-8787
leeterry.house.gov

Honorable Adrian Smith (3rd District)

1811 W. 2nd Street Suite 105 (308) 384-3900
Grand Island, NE 68803 fax (308) 384-3902
adriansmith.house.gov

NEBRASKA GOVERNMENT

Honorable Dave Heineman

Office of the Governor (402) 471-2244
P.O. Box 94848 fax (402) 471-6031
Lincoln, NE 68509-4848 www.governor.nebraska.gov

Nebraska State Legislature

www.nebraskalegislature.gov/

ORDER FORM

I would like to request an attorney to come to our school to make a presentation to my students.

Name _____

Name of School or Organization _____

Address _____

City, State, ZIP _____

Phone _____ Fax: _____ E-Mail: _____

You may download the booklet from www.nebarfnd.org

Other contacts include:**Larry Starr**

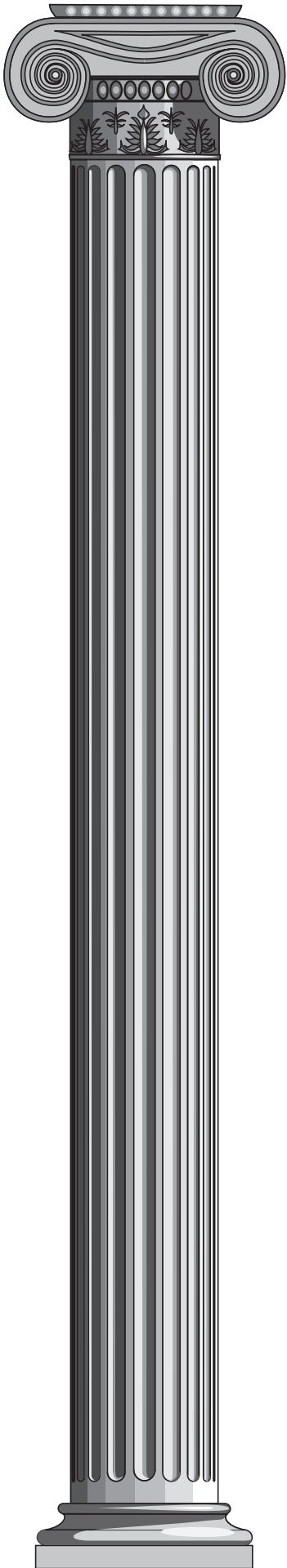
Director of Social Studies Education
Nebraska Department of Education
(402) 471-2449
<http://www.nde.state.ne.US/SS/>
larry.starr@nebraska.gov

Bonnie Sibert

Business Marketing Education
Career Field Specialist
Nebraska Department of Education
(402) 471-4818
<http://www.nde.state.ne.US/BMIT/>
bonnie.sibert@nebraska.gov

Carol Ringenberg

Human Services and Resources
Career Field Specialist
(402) 471-4813
<http://www.education.ne.gov/HSR/>
carol.ringenberg@nebraska.gov



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