

Kids and the Law:

An A-To-Z Guide for Parents



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Kids and the Law: An A-To-Z Guide for Parents

Your 14-year-old daughter is working long hours at her part-time job. Your 16-year-old son was caught drinking beer at a party. Your youngest child is in trouble for marking up a school wall with graffiti. Do you know how the law addresses such situations? Do you even know what is—and is not—against the law when it comes to your children?

Kids and the Law: An A-to-Z Guide for Parents is designed to give you a basic overview of some of the laws that apply to children—laws created, in many instances, to help safeguard your youngsters at school, in part-time jobs and at play. This guide can also help you understand your rights and responsibilities as a parent and assist you in answering your children’s questions about the law. And it may be useful to others as well—to teachers and social workers, for example, who work with young people in Illinois.

The subjects are set out in a dictionary-type format with cross-references to other subject areas when appropriate. In some instances, we have noted the specific law for those interested in seeking out more detailed information. (See the key to the code and statute abbreviations below.) In addition, we have included a glossary to help demystify some of the legal terms that you might come across when dealing with the law.

Keep in mind, however, that this guide is intended to provide you with general information—not legal advice. Laws are constantly subject to change. If you have a specific legal problem, you may want to consult an attorney.

*The Age of Majority * Bikes, Skateboards, Scooters & ATV's * Child Abuse and Neglect
* Civil Laws & Lawsuits * Criminal Law and Crimes * Curfew Laws * Emancipation
Fighting * Guns, Other Weapons and Fireworks * Hate Crimes and Hate Speech
The Internet, Computers and Kids * Parents' Rights and Responsibilities
Privacy and Kids * Receiving Stolen Property * Schools and School Rules
* Sex and Kids * Stealing * Legal Terms*

Common Abbreviations

§	Section	§§	Sections
¶	Paragraph	¶¶	Paragraphs



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CCP Code of Civil Procedure
ILCS Illinois Compiled Statutes
IRC Internal Revenue Code
USC United States Code



The Age of Majority

The Age of Majority is a term used by lawyers to describe the time in life after which a person is legally no longer considered a child. In essence, it is an arbitrary time when a child becomes an adult in the eyes of the law. Until fairly recently, the age of majority was set at 21 in most states. Following the ratification of the 26th Amendment to the U.S. Constitution, giving 18-year-olds the right to vote in federal elections, most states, including Illinois, lowered their age of majority to 18. (755 ILCS 5/11-1). At the age of majority, teenagers acquire the right to:

- Enter into binding contracts
- Buy or sell property, including real estate and stock
- Marry without the written consent of a parent or guardian and a judge.
- Sue or be sued in their own names
- Compromise, settle or arbitrate a claim
- Make or revoke a will
- Inherit property outright
- Vote in national, state and local elections
- Consent to all types of medical treatment
- Join the military without parental consent

This does not mean that once your child reaches the age of majority, he or she gains all of the rights and privileges available to adults. Some rights and responsibilities may come at an earlier age, while others come later. For example, an Illinois resident may be issued a provisional driver's license at age 16 (see *Cars, Kids and Traffic Laws*), but may not purchase alcoholic beverages until age 21. Also, minors may consent for medical treatment for sexually transmitted diseases and certain other conditions, without parental consent. 410 ILCS 210/4.

What the age of majority has really come to mean is that point when an individual is treated as an adult for most purposes.

Attaining the age of majority, however, also brings with it some added responsibilities and obligations. These generally correlate with the loss of rights that children are provided for their own protection—for example the right to their parents' support, care and shelter (see *Parents' Rights and Responsibilities*), their right to treatment within the juvenile court system (see *Juvenile*



Court), and their protection against exploitation and harmful or dangerous conditions of employment under child labor laws (see *Work, Work permits and Taxes*).

Note: An exception to the rule that your child must wait until 18 to acquire the rights and obligations of an adult would apply if he or she were emancipated. (To understand how this might occur, as well as its legal consequences, see Emancipation.)



Bikes, Skateboards, Scooters & ATV's

Bicycle riders—adults and children alike—must abide by the same traffic laws that apply to motorists. 625 ILCS 5/11-1502. Bicyclists must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to pedestrians.

Bicycle riders must, if riding at night, have a bike equipped with a front light visible for at least 500 feet and red rear reflector light visible from up to 600 feet. The number of people who can ride on a bike is limited to the number of actual seats. It is against the law to ride on someone's bicycle handlebars, or center frame bar, or over the bike's rear tire. 625 ILCS 5/11-150. Bicycle riders must use head and arm signals to indicate right and left turns and stops. 625 ILCS 5/11-1511.

Bicycle riders cannot cling to a moving vehicle. 625 ILCS 5/1-1504. They must ride in the same direction as traffic. They must yield the right of way to pedestrians or sidewalks or crosswalks. 625 ILCS 5/1-1512. Bicyclists must slow down when approaching a pedestrian from behind and give an audible signal to alert them to the presence of the rider before passing the pedestrian. 625 ILCS 5/1-1512.

Also, some Illinois communities have local ordinances that prohibit bike-riding on sidewalks in certain areas, such as business districts.

There are also local laws that apply to those who use skateboards, skates and scooters. Cities and counties have laws regulating the places where your child may skate and the equipment that must be worn by skaters within these designated areas.

Illinois Bicycle Rules of the Road



http://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a1434.pdf

Illinois Bicycle Safety Tips from the Secretary of State

http://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a1702.pdf

All-Terrain Vehicles

All-terrain vehicles or ATVs are highly regulated and drivers should educate themselves about those regulations. This excerpt will note the highlights.

An ATV is a vehicle less than 50" wide, weighing 900 pounds or less, with three or more low-pressure tires. 625 ILCS 5/1-101.8. It is unlawful to drive ATVs on controlled access roadways such as interstates or toll ways. It is also unlawful to drive ATVs on streets, roadways or highways of Illinois with an exception for crossing. 625 ILCS 5.11-1426. When crossing a roadway, ATV drivers must do so at a 90 degree angle but only at intersections and only after first coming to a stop and yielding the right of way to drivers. 625 ILCS 5/11-1426.

It is unlawful to drive an ATV at an unsafe speed, in a careless or reckless manner, on the tracks of an operating railroad, on private property without the owners consent. 625 ILCS 5/11-1427. There are numerous other restrictions that the ATV driver should learn. There are also special rules about operating ATVs in national or state conservation or park areas.

Local governmental units such as counties and towns may add limits to the use of ATVs. ATV drivers should look for posted signs.





Child Abuse & Neglect

By one estimate, some 870,000 children are abused or neglected nationwide each year. Roughly 1,500 a year die at the hands of their abusers. And most of the victims are under age 4. But child abuse victims can be any age, come from any ethnic background and be born into poverty or wealth. Such victims do not fit into a particular profile.

It is against the law for anyone to abuse a child, physically, sexually (see *Sex and Kids*) or emotionally, or to endanger any child by putting the youngster in harm's way. Nor is it legal to intentionally neglect a child who is in your care—to fail to adequately feed, clothe or supervise the child or to supply medical care. See 705 ILCS 405/2-3 (1) (a); 720 ILCS 5/12-21.5; 720 ILCS 130/2).

Those who break these laws, depending on the circumstances, could face years in prison as a consequence. In addition, if one parent fails to protect his or her child from another parent or partner who is abusive, he or she could be found criminally liable as well. And, the child could be taken into protective custody.

What should I do if I suspect child is being abused or neglected?



Call the Child Abuse Hotline (1-800-25-ABUSE) of the Illinois Department of Children and Family Services (www.state.il.us/dcfs) or contact the local police. The youngster could be at great risk. And unless it can be proven that you knowingly filed a false report, you cannot be held liable.

Will the alleged abuser find out that I filed a report?

It depends. You can remain anonymous unless you are a mandated reporter.

What is a mandated reporter?

Because abused and neglected children are at such great risk, individuals in certain professions are required by law to report suspected abuse. The list of so-called mandated reporters generally includes teachers, school personnel, doctors, nurses, police officers and firefighters, as well as certain other professionals who regularly come in contact with youngsters. Mandated reporters must notify authorities immediately. (325 ILCS 5/4)

What is “Shaken Baby Syndrome?”

It is a life-threatening condition that can develop when someone shakes a baby. The sudden shaking motion slams the youngster’s brain into his or her skull. One in four children die as a consequence. The resulting trauma can also lead to permanent brain damage, blindness or severe motor dysfunction. It can happen when a frustrated parent or caregiver simply shakes a baby to stop a bout of crying. And babies are not the only ones at risk; severe shaking can cause head trauma in children up to age 5. Illinois law specifically outlaws the vigorous shaking of an infant or young child resulting in a certain injury. 730 ILCS 154/5. Experts suggest that over-stressed parents or caregivers seek help. Parents, concerned adults and children alike can visit www.childhelp.org or call 1-800-4-A-CHILD (1-800-422-4453) for help.

At what age can a child legally be left alone at home—and for how long?

Illinois law does not specify any particular age? Every situation—and every child—is different. It could depend on various factors: the child’s level of maturity and judgment, the time of day, the safety of the neighborhood and the proximity of another responsible adult who could be available in an emergency. The legal question would be whether or not the child would be put at risk if he or she were left alone—whether you could be endangering or neglecting the child.



Civil Law & Lawsuits

In general, there are two bodies of law which govern the rights and duties of persons residing in the United States. One such body of law is the criminal law, which is discussed in the Criminal Law & Crimes section (page 8).¹ The other body of law is what is called the “civil law”. The civil law is

¹In its essence, the criminal law sets forth statutory rules that prohibit and punish certain conduct, which conduct is considered offensive to the community or society in which we live. A simple example of a criminal law is the Motor Vehicle Code sections that prohibit and provide for certain punishment if one



the system of rules and principles which govern the rights of individuals and business organizations and the legal duties they owe to each other.

This system of rules and principles can be found in five places: the U.S. and state constitutions, federal and state statutes and regulations, local ordinances, private agreements between parties, and the common law, also known as case law.

First, part of the civil law is found or embodied in the constitutions of the United States and the State of Illinois. A well-known example of such a civil law in the federal constitution is the Seventh Amendment, which guarantees a jury trial in all “common law” actions (see the discussion below about the “common law”) where more than \$20 is at issue. Another such example would be the Thirteenth Amendment to the U.S. Constitution which prohibits slavery or involuntary servitude. A further example is the Full Faith and Credit Clause in Article IV of the federal constitution that requires that a binding decision in one state be recognized and considered binding in all other states. So when a party who obtains a civil judgment against another in a state other than Illinois, that party can then register that out-of-state judgment in Illinois and pursue a remedy for that judgment in Illinois. Another example of such a civil law in the Illinois constitution is Section 15 in the Illinois Bill of Rights which provides rights to individuals and businesses when the state takes or damages their property through the exercise of its condemnation authority. The Illinois Constitution also preserves the common law right to a jury trial.

Second, part of the civil law is embodied in the statutory laws of the United States and Illinois and the regulations adopted by federal and Illinois governmental agencies to implement those laws. An example of such a federal law would be the federal Perishable Agricultural Commodities Act that regulates the marketing of fresh fruits and vegetables. An example of such an Illinois law would be the Illinois Uniform Commercial Code that sets forth the legal rules governing, among other things, sales of goods such as motor vehicles, banks and banking and other commercial transactions like credit card transactions.

Third, a part of the civil law is embodied in the local government ordinances and regulations which local governments, like the city or county you live in, have adopted. An example of such a local law is the local building code that governs in various respects how a contractor must build a house or commercial building.

Fourth, a part of the civil law is embodied in the contractual arrangements which individuals and business entities make with each other. An example of such a contractual arrangement is an apartment lease, which is the contract between you and your landlord and which spells out the rights and duties of the parties to the lease.

Finally, a part of the civil law is embodied in what we call the “common law.” Common law consists of the rules and principles developed by the decisions of our federal and Illinois courts. The common law system operates on the principle of “precedence.” The principle of precedence means that the reasoning and decisions made by one court should be similarly applied by another court to a similar fact situation. As a result, when individuals or business entities are confronted with a certain

drives recklessly or in disregard of speed limits or stop signs. Another simple example are the statutes that prohibit and punish bank robbery or car theft.



fact pattern, they can look to court decisions to find guidance on the legal principles that are to govern the fact pattern with which they have become involved. An example of the “common law” would be the court decisions addressing the duty of an individual to drive with reasonable care so as to not to injure or damage another’s person or property. The classic case where this duty arises is the traffic accident where one person’s vehicle collides with another person’s vehicle. One can look to court decisions that have been previously issued, even in another part of the state, to determine what legal principles are to govern that fact pattern and who had what rights and duties in the driving scenario that is presented.

As stated above, the civil law grants certain rights to individuals and business entities and also imposes certain duties. Should an individual or business entity believe that he, she or it has been wronged or damaged by another individual or business, then the injured or damaged individual or business entity can file a civil lawsuit. To prevail in the civil lawsuit, the injured or damaged individual or business entity must (a) establish that it had certain rights, (b) establish that the person being sued violated those rights, and (c) prove that the individual or business entity has been damaged or injured and that the other party should pay compensation for the damage or injury.

The two most common examples of such civil lawsuits are lawsuits where one person sues another for negligence (such as a lawsuit arising out of a traffic accident or medical malpractice) and where one person or business entity sues another individual or business entity for breach of contract (such as breach of a sales contract or an employment contract)

In Illinois, minors—being persons defined by law to be under the age of eighteen (18) -are protected by the civil law. By reason of that protection, minors can file lawsuits seeking to enforce their rights under the civil law and to recover for damages or injuries suffered by the minor.

There are however, three important concepts that apply in the case of civil lawsuits by minors.

First, usually, a minor cannot bring a civil lawsuit in his or her own name. Rather, a civil lawsuit for a minor must be brought by and in the name of what the law calls the minor’s “next best friend” or “guardian ad litem.” By “next best friend”, the law means that it recognizes that someone very close to the minor and who would act in the minor’s best interest, can assert the rights of the minor in a civil lawsuit. Customarily, the minor’s “best friend” is one of his parents, but can be any person legally entitled to represent the best interest of the minor child and who can act without any conflicting interest. So if a child is accidentally hit by a vehicle, the civil lawsuit to recover for damages or injuries to the child is brought in the name of one of the child’s parents for the child’s benefit. By “guardian ad litem”, the law means a person appointed by the court either to sue for the minor child or to defend a lawsuit brought against the minor child. .

There is an exception to the rule that minors cannot sue. A minor who has been emancipated can sue in his or her own name. Illinois has a statute entitled “Emancipation of Mature Minors” Act. [750 ILCS 30/1 *et seq.*] Under that statute, if a minor between the ages of 16 and 18 can establish or prove that he or she is an emancipated mature minor—meaning that the minor can manage their own affairs and already has lived wholly or partially independently from their parents—, and the parents to do not object, then the minor can be treated as an adult for purposes of bringing a civil lawsuit or



being sued. Emancipated minors have the rights of an adult, but they also have the obligations of an adult.

Second, the filing of a lawsuit with the court must be done within the time set by Illinois statutes for filing lawsuits. These time deadlines are commonly referred to as the “statute of limitations”. For example, a civil lawsuit seeking to recover damages for personal injury, such as from a traffic accident, must be filed within two years of the time of the injury. If the lawsuit is not filed within the statute of limitations, the lawsuit is barred by law from being filed. In the case of a civil lawsuit to be filed on behalf of a minor, Illinois law extends the time period in which the lawsuit must be filed. More specifically, an Illinois statute expressly provides that a minor has two years after his or her 18th birthday to file a civil lawsuit. [735 ILCS 5/13-211] There is an exception to this rule in the case of medical malpractice actions. For medical malpractice claims, a minor may file a medical malpractice claim during a period of up to eight (8) years after the act or occurrence giving rise to the claim, but in no circumstances after the minor attains the age of twenty-two (22). [735 ILCS 5/212(b)]

There is a special Illinois statute that governs the bringing of civil lawsuits that allege childhood sexual abuse. Under that statute [735 ILCS 5/13-202], a minor can bring a civil lawsuit for damages within twenty (20) years of the date that the abused person discovers the abuse. So a minor who was sexually abused, but who does not discover the he or she was so wronged until after the minor becomes an adult, still is given a time frame in which to file their civil lawsuit. This ten year period will not begin to run until the minor’s 18th birthday for the law tolls all statutes of limitations until the minor becomes an adult. There are, however, some specific exceptions to that ten year rule.

Third, a civil lawsuit involving a minor cannot simply be settled by an agreement reached between the parties to the lawsuit. Most lawsuits settle; that is, although the lawsuit is filed in court, the suit is resolved by agreement between the parties without trying the case to a judge or a jury. Ordinarily, settlements do not require a court’s approval. Settlements involving minors must be approved by a court for the Illinois courts are deemed to act as *parens patriae*. This phrase means that the state is looking out for the minor and acting sort of like a parent to the minor. The state wants to ensure that if a lawsuit was brought because a minor was injured and then it is settled, the settlement is to benefit the minor, not someone else. Court approval is designed to prevent the person acting as a “next friend” or “guardian ad litem” from spending the funds obtained by the settlement for themselves and not for the minor.

Another reason for the requirement of court approval is that a minor has no legal capacity to agree to a settlement, because a settlement is a contract and a minor has no legal capacity to enter into a binding contract. The state has the inherent power, known as *parens patriae*, to protect the interests of those, such as minors, who are legally unable to act on their own behalf.

Finally, a child may find that he or she is required to be a witness in a civil lawsuit. Illinois law assumes that a child is a competent witness unless there is evidence that the child lacks the capacity to give testimony. For young children, a court would have to be satisfied that the child understands the difference between truth and falsehood, that the child had an ability to remember events and to relate those events and understands the obligation to testify truthfully in court.





Criminal Law & Crimes

Criminal law and crimes represent those acts, behaviors or attitudes that society believes are wrong and wishes to discourage. When a minor or adult violates a criminal law, it is the state, on behalf of society, that files a lawsuit. County prosecutors are the state's designated representatives and have the discretion to choose which violations of criminal law are most important to prosecute or punish. When the state prosecutes someone for breaking a criminal law, the wrongdoer could face a fine, or be sent to the county jail or state prison, as



opposed to a civil case, where you may have to pay a fine but you will not be sent to jail (see Civil Laws & Lawsuits).

In Illinois, most of the laws defining criminal conduct can be primarily found in Section 5 of 720 ILCS, but criminal acts are defined in other areas of the law as well. City and county ordinances also are considered part of criminal law and include, for example, curfew laws, laws against smoking and laws requiring smoke detectors or fire escapes.

Criminal offenses are divided into two categories: felonies and misdemeanors (720 ILCS 5/2-7 & 720 ILCS 5/2-11). Felonies, the more serious of the two, is defined as an offense for which the minimum punishment is a year in prison and the maximum penalty is death. To help judges determine a proper punishment, felonies are further divided into four Classes: Class 1 being the most severe punishment to Class 4 being the least severe with a minimum time of one year. (730 ILCS 5/5-8-1). Certain crimes, however, have different or unique punishments. For example, first degree murder requires a term not less than 20 years. A person judged a habitual criminal, or someone who commits a third felony within twenty years of the second crime, is sentenced to life imprisonment; this is commonly referred to as the three strikes rule (720 ILCS 5/33-B-1).

Crimes classified as misdemeanors are considered less severe - the punishment cannot exceed one year in jail and is usually punished by probation or a fine. Like felonies, they are also categorized by classes, the punishment for Class A being between six months to one year in jail and Class C being less than a month. If imprisonment is found unnecessary, the crime is classified as a petty or business offense. For petty offenses, probation is the typical punishment. During the time of probation, the person is expected to not violate any other laws; they must meet with an assigned probation officer when so instructed and not leave the state without permission, as well as perform community service or take educational classes. It is up to the courts discretion as to the severity of a probationary sentence and the accompanying fines.

Myth: Some parents believe that children who are under a certain age cannot be convicted of a criminal act. While a child's age and experience do impact a court's determination as to whether the child understand that his or her actions were wrong, there is no magic age at which a child cannot be found guilty of a crime (730 ILCS 5/3-10). If the state seeks to prosecute a child under the age of 14 in Illinois, however, attorneys must establish clear proof that the child knew that his or her act was wrong at the times. For more information about how criminal laws relate to kids, see laws concerning juveniles at 705 ILCS 405/5-130.



Curfew Laws



Curfew laws restrict the rights of youngsters to be outdoors or in public places during certain hours of the day. Such laws seek to establish a safer community and better protect children from the negative influences that they may encounter while being away from the home late at night.

There is a state curfew law in Illinois (720 ILCS 555). A person under 17 years of age cannot be outside on public or private property or in a public place after midnight until 6 am on Friday or Saturday and after 11pm on Sunday through Thursday. **Be aware that municipalities and counties may also have curfew laws that often are stricter than the state law.** These local laws frequently apply to youth under 18 and begin earlier in the evening.

The driver's license of a person under 18 who is driving during curfew hours without a parent, guardian or responsible adult approved by the parent or guardian is not valid. The license or permit may be suspended for driving during a state or local curfew.

There are exceptions to curfew laws if the person is participating in certain activities or is going directly to or returning from these activities without deviation in route taken. Such exceptions include:

- Participating in religious, educational, or political activities

- Running an errand for a parent or guardian

- Working or going to or from their place of employment

- Responding to some type of emergency situation

Also, being accompanied by a parent, guardian, or responsible adult approved by a parent or guardian is an exception.

The police if they suspect that the minor is violating the curfew law are to ask the minor their age and inquire about any exceptions. They are to arrest or issue a citation only if they determine that a violation has occurred and there is no exception. A minor arrested for curfew cannot be placed in a jail. Most police departments will call the parent to pick up the child or will escort the child home.

If you don't know whether your community has a curfew call your local police department. If your community has a curfew ordinance obtain a copy of the law and the list of exceptions.



Emancipation



Legally speaking, emancipation is that point in time when parents are no longer responsible for their children and children no longer have to answer to their parents. Once this occurs, parents do not have to give their permission for anything that the minor may wish to do. They also no longer have to provide their child with support or necessities such as food, shelter or medical care.

This means that an emancipated minor may live wherever he or she wishes and can make his or her own medical decisions. An emancipated minor may also enter into a contract, sue or be sued in his or her own name, make or revoke a will, buy or sell interests in property and apply for a work permit without parental consent. At the same time, the minor's parents lose control over his or her earnings. The minor must instead take care of his or her own financial affairs.

In Illinois, emancipation occurs automatically under certain circumstances. For example, as soon as a person turns 18 years of age, he or she legally becomes an adult and is emancipated. When a minor gets married, he or she becomes emancipated. Emancipation also occurs if a minor is on active duty with the Armed Forces.

In addition, a minor at least 16 years of age may become emancipated with a petition to the court. In such case, the minor must be able to prove that he or she is a mature minor who has demonstrated the ability and capacity to manage his or her own affairs and has lived independently, wholly or partially, from his or her parents or guardian. Before the petition is heard, the minor's parents, guardian or other person entitled to custody must be notified and given an opportunity to object. Also, a judge must find that it is in the minor's best interest to become emancipated. If circumstances change after the emancipation order has been granted, the court has the power to rescind the order and notify the minor's parents or guardian.

Also, Illinois permits a homeless minor to seek a restricted emancipation for the receipt of services and shelter or housing from a specified youth transitional program and its referral agencies only.





Fighting

Of the many ways young people get into trouble with the law, fighting is among the most common. When children are caught fighting, the police have several options. They can simply contact the minor's parents and escort the child home. More often, especially if there's an injury or damaged property, the minor can be arrested. The child could face charges of assault, battery, or/and disturbing the peace.

An assault is defined as an unlawful attempt, coupled with present ability, to commit a violent injury upon another (720 ILCS 5/12-1). Assault is trying or planning to hurt someone but not necessarily succeeding. Battery, on the other hand, is defined as the willful and unlawful use of force or violence upon another person. In other words, battery is a successful assault (720 ILCS 5/12-3).

In Illinois, an assault is a Class C misdemeanor (See Criminal Law and Crimes) that could lead to six months in jail and a \$1,000 fine, and/or 30 to 120 hours of community service time can also be imposed on the individual. An assault is considered "Aggravated" when the assault involves a deadly weapon, the persons identity is concealed by a hood or mask, the crime is committed on public or school property or is knowingly committed against certain people, such as a school employees, park employees, case workers, public transportation employees, physically handicapped persons, or an elderly individual. When a crime is deemed to be "Aggravated", the degree of the misdemeanor increases, upping the punishment. However, if a weapon is fired, or the person knowingly assaults a correctional or law enforcement officer, the aggravated assault become a Class 4 felony and requires jail time (720 ILCS 5/12-2). When a minor commits an assault on school property, he or she may be required to attend counseling at his or her parent's expense, in addition to fines (up to \$2,000) and punishment imposed (730 ILCS 5/5-5-3.2).

If convicted of battery, also a misdemeanor, a young person could face up to six months in jail and a \$2,000 fine. If the battery was directed towards certain individuals, just as in aggravated assault, it becomes aggravated battery, a Class 2 or 3 felony. The punishments for such a crime may include six months to two years in prison (720 ILCS 5/12-4)

Sometimes, however, it can be difficult to determine who starts a fight. If your child can prove that he or she acted in self defense, the charges might be dropped or might not be filed at all. In a situation in which one child agrees to meet the other after school for a fight, however, both would be charged.



Finally, fighting or picking a fight in a public place also can result in a charge of disturbing the peace, a crime with a penalty of up to 90 days in jail and/or a \$400 fine.

Directly threatening or intimidating a teacher or school official also is a crime. An example of this might be a student who threatens to beat up a teacher unless he or she receives a passing grade. A separate law makes it mandatory for a school employee who has been attacked, assaulted or physically threatened by a pupil to report such conduct to law enforcement. (705 ILCS 405/5-820)

Myth: Some children believe that fights between brothers and sisters or even other family members are not against the law. However, no one (except a parent using reasonable force to discipline a child) has permission to strike another person. This is true whether that person is your kid brother, annoying sister, parent or teenage son. In such cases, the police, while often deferring to parents, can arrest the offender and refer the matter to court (720 ILCS 5/12-3.3).





Guns, Other Weapons & Fireworks

In a 2005 national survey, nearly one in five high school students admitted that they had carried a weapon at some point in the prior month. One in 15 admitted to bringing a weapon to school. And one in 13 reported being threatened or injured at school with a weapon during the previous year.

Laws regulating the possession and use of guns and other dangerous weapons in Illinois are broad and vary in their intent. Some seek to regulate the size or type of weapon, while others focus on how the firearm or weapon is used or carried. For minors, however, the law is very clear.

It is illegal for a minor under the age of 16 to possess a handgun unless he or she is accompanied by a parent or parent or responsible adult. (Even adults cannot carry a concealed firearm - unless they have a special permit). If the minor is age 16 or older, he or she may only possess a handgun or live ammunition with the written permission of a parent or guardian, and may only possess these items for legal purposes such as recreational sports (720 ILCS 5/24-3.1). In addition, no one may sell or give a firearm, even an air gun or gas-operated gun, to a minor without parental consent. And some types of firearms and firearm-related equipment are outright illegal, with or without parental permission. Such items include sawed-off shotguns, machine guns and any gun that has had its identifying numbers removed, as well as silencers (720 ILCS 5/24-1.2-5).

Other illegal weapons (illegal to manufacture, import, possess, sell, give or even lend to someone) include blackjack, nunchaku, metal knuckles, dirk, dagger, belt buckle knives, leaded



canes, zip guns, lipstick case knives, writing pen-knives and unconventional pistols (720 ILCS 5/24-1).

On the topic of weapons and fireworks, parents should be aware that:

- If your child is caught with a dangerous weapon - or trying to sell one - at school, he or she could be suspended or expelled. This punishment is in addition to any criminal charges that might be filed against your child (720 ILCS 5/24-3.3). See *Schools and School Rules*.
- Simply exhibiting a weapon in a rude or angry way is a misdemeanor. Even if the firearm is fake, it is a misdemeanor to display it in a manner that frightens someone or causes someone to believe that he or she is in danger of being injured (720 ILCS 5/24-1). It can also be cause for suspension or expulsion from school.
- If a parent gives a gun to a minor or leaves it where the child could get it, and someone winds up injured or fatally shot, the parent could be liable for up to \$30,000 for the death or injury, or the injured person's property. If more than one person is injured or killed, the parent could be held liable for up to \$60,000 (720 ILCS 5/4-7). And parents who have negligently given their child a gun can be prosecuted for criminal negligence if the youngster uses the gun to injure or kill someone.
- Using a weapon during the commission of another crime will increase the punishment for the crime. For example, if a weapon is used in a robbery, 15 to 25 years can be added onto the sentence simply because a weapon was involved, even if no one was injured (720 ILCS 5/18-2). In addition, the crime will automatically become a felony.
- It is a felony for any driver or motor vehicle owner to allow anyone to fire a gun from a vehicle. If someone willfully and maliciously fires at someone else from a car - in a so-called drive-by shooting, for example - the driver could face up to three years in prison or, if someone is injured or killed, even longer. (720 ILCS 5/36-1)
- Firing off a gun - even a BB or pellet gun - in a grossly negligent manner which could result in injury or death is illegal (720 ILCS 24-1.5).
- It is illegal for any retailer to sell or transfer any safe and sane fireworks to children under age 16. And it is unlawful for anyone to sell, give or deliver dangerous fireworks to anyone under age 18 (720 ILCS 5/20-2)
- In some cities and counties, all types of fireworks are illegal. Under state law, cities and counties can adopt their own ordinances or regulations prohibiting or regulating the sale and use of fireworks.

Myth: Some children believe that as long as they were not the actual person to pull the trigger of a gun, that they cannot get in trouble. Children need to understand that if they are in the vicinity of someone shooting a gun, or if they are "only" driving the car from which a gun is shot, they can be held criminally responsible. Under Illinois' Felony Murder rule, one person can commit the crime, i.e., shoot his gun and accidentally shoot an innocent bystander, and the other person can be held equally responsible, even though that person never fired the gun.



In a more interesting case, if one person shoots a gun while the other person is present, and a police officer shoots and kills the person shooting the gun, the person who was there and did not shoot, can be arrested for murder under the Felony Murder rule.

In the summer of 2006, the Illinois Supreme Court allowed two first-degree murder convictions to stand, the cases of *People v. Hudson* and *People v. Klebanowski*. In both cases, the defendant was engaged in an armed robbery and the victim happened to be an off-duty police officer. The defendants did not know that they were attempting to rob a police officer. The police officer shot one of the defendants and killed him. The other defendant was charged with murder of his accomplice. The Illinois Felony Murder rule allows the courts to hold felons accountable for any foreseeable deaths that occur during the commission or attempted commission of a felony. This includes deaths of innocent bystanders caused by third parties, and even, as in *Hudson* and *Klebanowski*, deaths of co-felons at the hands of police officers.

The best advice to give a young person regarding criminal acts, is-if you think something is wrong, if you know something is wrong, or you hang around with people that you know are going to do something wrong, get out of there before something happens. That person's presence during the commission of a crime, or the simple act of driving the car, or acting as a look-out, can result in a criminal charge against him/her.



Hate Crimes & Hate Speech

Crimes motivated by the hatred or dislike of others are classified as hate crimes. A hate crime is any crime committed against a person (or the person's property) because of certain characteristics (real or perceived) about the person. These include the individual's race, ethnicity, religion, ancestry, national origin, disability, gender or sexual orientation. In some cases, threats and intimidation are enough to constitute a hate crime (720 ILCS 5/12-7.1). Unfortunately, a large percentage of these crimes in Illinois are being committed by young people.

What are some examples of hate crimes?



- Throwing an object through the window of an African-American couple's home because the perpetrator does not like African-Americans and wants them to move out of the neighborhood.
- Attacking a man walking down the street because the perpetrator believes he is gay.
- Spray-painting a car that belongs to an immigrant because the perpetrator feels that immigrants are causing problems in the community.

When prejudice is the principal reason or motive behind the violence, intimidation or threat, Illinois law increases the punishment for the crime. A hate conviction for an adult or a minor can add one to three years of prison time to a sentence, depending on the circumstances (720 ILCS 5/12-7.1).

Individuals involved in this type of conduct also can be sued by the victim and, under Illinois law, may be ordered to pay:

- The victim's medical bills and/or property repair bills.
- Money to compensate the victim for his or her pain and suffering.
- A \$1,000 fine.
- Fees for the victim's attorney.

Hate speech (using an ethnic or racial slur when referring to someone, for example) is more difficult to regulate. This is largely due to the fact that the First Amendment of the Constitution — the right of free expression — protects much of what we say and our ability to say it. In Illinois, no criminal penalties can be attached to words alone unless the words are considered a harassing and obscene communication (720 ILCS 5/12-7.1).



The Internet, Computers & Kids

Your children talk to their friends via the Internet. They play games, research school papers and learn about the world in cyberspace. Many youngsters use a computer or the Internet every day for all kinds of reasons—and that use is likely to grow. One national study



found that two out of three preschoolers now use computers and one in four has already visited the Internet.

But while surfing the Internet may open many doors, it can put your children at risk as well. A recent survey found that one in three children (ages 10 to 17) had been exposed to unwanted sexual material online. One in seven had received a sexual solicitation. And one in 11 had been harassed or bullied in cyberspace. Your children may feel safe. But they cannot always know who's on the other end of their online chats, and their personal information could be misused if they're not careful. Also, if they download certain material, your children could be breaking the law—and you, as the parent, could be liable.

Is it ever illegal for an adult to contact my child online?

Yes. It is against the law for adults to send sexually explicit or obscene material to minors. It is also against the law for an adult with sexual motives to seek to seduce a child online or to arrange an in-person meeting with the child—even if the adult fails to show up. Just setting up such a meeting is a misdemeanor that could lead to jail time. (720 ILCS 5/11-60.6).

What should I do if my child is solicited or sent obscene material online?

Contact the 24-hour CyperTipline at 1.800.843.5678 or at www.cybertipline.com. By law, Internet Service Providers (ISPs) must report any child sexual exploitation or child pornography to the federally mandated tipline.

Should I worry about online sexual predators if my child frequently socializes on the Internet?

There is a risk. Monitor his or her Internet use—and openly discuss the dangers. Spending time online can be a beneficial, mind-expanding experience for your child. But the Internet is also an ideal place for sexual predators seeking contact with children. Many young people socialize online with “friends” encountered on the Internet. In one 2006 survey, more than 60 percent of teenagers ages 13 to 17 had posted personal profiles on social networking Web pages. Nearly one in three had considered meeting their new online friends in person, and one in seven had already done so. The problem, of course, is that the new 14-year-old “friend” could actually be a 43-year-old sexual predator.

For tips on minimizing the risks, see the Sexual Predators and the Computer section below. For more information on the risks and what to do if you suspect your child is communicating with an online sexual predator, see the FBI's publication “A Parent's Guide to Internet Safety,” which is available online at www.fbi.org (click on Reports & Publications in the left-hand menu).

More Internet safety information can be found at www.NetSmartz.org or at www.cybertipline.com or by calling the National Center for Missing & Exploited Children at 1.800.THE.LOST (843-5678). And for teen-oriented safety tips on online social networking, see the tip box below and visit www.2SMRT4U.com



Not only are there safety risks if your child reveals personal information online, there can be a danger of identity theft as well. For information on identity theft and what to do if your child's identity is stolen, go to www.idtheftcenter.org (click on Victim Information Guides) and www.ftc.gov/idtheft.

Are there any laws to help protect my child's privacy on line?

Yes. Under the Child's Online Privacy Protection Act (COPPA) operators of children's Web sites that collect personal information from youngsters under age 13 are required to post a privacy notice. The notice should state the type of information gathered and whether such information will be sold or forwarded to a third party. Generally, such sites also must obtain parental consent before collecting a child's personal information. In agreeing to provide personal data, the parent can request that the information not go to another party. In addition, parents have the right to review the information collected from their children, revoke their consent and have such information deleted. To learn more about COPPA, go to www.ftc.gov/kidzprivacy.

Is there a law against selling or renting violent video games to children?

No. The Courts ruled the Safe Games Act, which limited the sale and rental of violent or sexually explicit computer or video games to minors, unconstitutional and too broad. Therefore, there are not limits on the kinds of games that children may buy or rent. In addition, you should keep in mind that your child may be free to play violent games without restriction in video arcades open to the public.

Is there a law against Cyberbullying?

Yes. Harassing another person through the use of electronic communications is illegal in Illinois (720 ILCS 5/12-7.5). This includes creating and maintaining a website or webpage which contains statements harassing another person. To learn more about cyberbullying, go to www.ebully411.com.

! *Online Lingo - Teens use this shorthand in e-mails and instant messages. Do you know what it means?* 121 – one to one

143 – I love you

A/S/L? – age, sex, location

BCNY – I'll be seeing you

BF – boyfriend

B/W/O – black, white, other

CUL8ER – see you later

DGT - don't go there

DIKU – do I know you?

EMA - what is your e-mail address?

F2F – face to face



FAWC – for anyone who cares
GGOH – got to get out of here
IMS – I am sorry
IPN – I’m posting naked
LMIRL – let’s meet in real life
LOL – laughing out loud
P911 – my parents are coming!
PIR – parent in room
WYRN – what’s your real name?

For a more complete list, go to www.cypertipline.com (then click on HDOP and *online lingo*)
Source: *National Center for Missing & Exploited Children*

! Sexual Predators and the Computer

Minimize the chances of an online exploiter victimizing your child.

- Communicate and talk to your child about sexual victimization and potential online danger.
- Spend time with your children online.
- Keep the computer in a common room in the house, not in your child’s bedroom.
- Utilize parental controls provided by your service provider and/or blocking software. While electronic chat can be a great place for children to make new friends and discuss various topics of interest, it is also prowled by computer-sex offenders.
- Always maintain access to your child’s online account and randomly check his or her e-mail.
- Teach your child the responsible use of online resources.
- Find out what computer safeguards are utilized by your child’s school, the public library and at the homes of your child’s friends.
- Understand, even if your child is a willing participant in any form of sexual exploitation, that he or she is not at fault.
- Instruct your children:
 - To never arrange a face-to-face meeting with someone they met online
 - To never upload (post) pictures of themselves onto the Internet or online service to people they do not personally know
 - To never give out identifying information such as their name, home address, school name or telephone number
 - To never download pictures from an unknown source
 - To never respond to messages or bulletin board postings that are suggestive, obscene, belligerent or harassing.
 - That whatever they are told online may or may not be true.

Source: *Federal Bureau of Investigation Innocent Images National Initiative*



Tips for Teens who Socialize Online:

What to Type: Be smart, if you don't use privacy settings, anyone has access to your blog or profile, not just people you know.

DON'T

- Post your cell phone number, address or the name of your school
- Post your friends' names, ages, phone numbers, school names or addresses
- Add people as friends to your site unless you know them in person
- Communicate with people you don't know
- Give out your password to anyone other than your parent or guardian
- Meet in person with anyone you first "met" on a social networking site
- Respond to harassing or rude comments posted on your profile
- Make or post plans and activities on your site
- Post photos with school names, locations, license plates or signs
- Post photos with the name of your sports team
- Post sexually provocative photos
- Respond to threatening or negative e-mails or IMs.

DO

- Check the privacy settings of the social networking sites that you use
- Set privacy settings so that people can only be added as your friend if you approve them
- Set privacy settings so that people can only view your profile if you have approved them as a friend
- Remember that posting information about your friends could put them at risk
- Consider going through your blog and profile and removing information that could put you at risk
- Delete any unwanted messages or friends who continuously leave inappropriate comments
- Report comments to the networking site if they violate that site's terms of service
- Save or print questionable activity and include date and time
- Tell your parents or guardian if anything happens that makes you feel scared, uncomfortable or confused.

Source: www.2SMRT4U.com (2SMRT4U campaign sponsored by the National Center for Missing & Exploited Children and the U.S. Postal Inspection Service.)

Computers and the Internet

Illinois law prohibits:

- Accessing someone else's computer without authorization (720 ILCS 5/16D-3)
- Devising and executing schemes to obtain money, property or services with false or fraudulent intent through a computer (720 ILCS 5/16D-5)



- Deleting, damaging or destroying systems, networks, programs, databases or components of computers without authorization (720 ILCS 5/16D-3)
- Introducing contaminants or viruses to a computer (720 ILCS 5/16D-3)



Parents' Rights & Responsibilities

Parents have many important rights when it comes to their children but they also have many responsibilities as well. Parents must make important decisions about their children's lives, such as where the children will live, what school they will attend, when medical care is appropriate and what, if any, religion they will practice. These rights are legally protected and cannot be taken away unless it can be proven that the parents are fit.

Parents are expected to control their children and are permitted to discipline them but not the point of abuse or neglect. In some case, children may run away from home, refuse to go to school or be beyond parental control. If the situation is extreme, parents may seek to terminate their parental rights and give up legal responsibility for the child. Or a judge may determine that the child is need of supervision and declare him or her a ward of the court. (See *Kids in Need of Supervision*.) Children are not required to obey a parental order to do something dangerous or



illegal. Parents who allow or encourage children to commit dangerous or illegal acts may be charged with contributing to a delinquency of a minor, child abuse or child neglect.

If a child is killed or injured, parents are entitled to bring a lawsuit to recover costs, such as medical or funeral expenses, from the person responsible.

The most important responsibility of parents is to support their children. They are legally obligated to provide children with the necessities of life, such as food, clothing, shelter and medical care. In addition, parents are expected to support their children according to their ability and station in life. This means that children should share in both parent's standard of living equally and applies to adoptive parents as well. The failure to provide adequate food, shelter, clothing or parental care and supervision may lead to criminal prosecution of child neglect. The duty to provide support lasts until the child has reached the age of majority (18) or as long as the child is enrolled in high school fulltime or become emancipated.

The fact that a child's parents are not married does not affect the parents' responsibility to support their child. If parents are unmarried or divorced and cannot agree upon how much each should contribute toward the support their child, the courts may be called upon to decide. One parent, or the child through a "guardian ad litem," may bring an action against the other parent to enforce the duty to pay child support. Alternatively, the government may proceed on behalf of a child to enforce the child's right of support against a parent who fails to provide it. The court's authority to order a parent to pay child support or to enforce such an award includes the following: a writ of execution or levy, a wage garnishment, civil contempt proceedings or criminal prosecution.

Additionally, parents may be morally responsible for supervising and controlling their children although parents are not generally liable for the acts of their children. There are exceptions, however. For example, parents who encourage their children to break the law may be guilty of contributing to the delinquency of a minor. Also, parents who know or should have known that their child engages in improper conduct, or who aid or encourage such conduct, may be held liable for their child's acts. There are also certain statutes that hold parents accountable for certain harm caused by their children:

- Willful misconduct: If a child causes willful or malicious injury or death to another or damage to property, parents are liable for actual damages up to \$20,000 for the first act and up to \$30,000 if the acts are part of a pattern or practice.
- Truancy : Parents or guardians who knowingly and willingly permit a child to persist in truancy shall be guilty of a Class C misdemeanor and subject to not more than 30 days imprisonment or a fine of up to \$500.
- Curfew violations: Parents or guardians who knowingly permit a minor to remain in any public place or establishment during curfew hours shall be guilty of a petty offense and fined not less than \$10 nor more than \$500 and may be ordered to perform community service.



Note: A stepchild is generally not entitled to support from a stepparent. Birth parents remain primarily responsible for child support unless the stepparent adopts the child.



Privacy & Kids

Privacy – the desire for it or the lack of it – is a concern to all. This is particularly true today when information about every aspect of our lives is stored in computers around the world and new technologies continue to emerge. Issues relating to privacy rights come up in a variety of situations and settings. Young people, however, are usually most concerned about privacy-related issues which arise at school or at home or which involve personal decisions. Here are a few examples:

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ILLINOIS STATE
BAR ASSOCIATION

Privacy at school: Parents and their children should understand that the U.S. Constitution protects only the reasonable expectation of privacy from governmental intervention. Whether a reasonable expectation of privacy was violated and whether the government was involved have been points of controversy in privacy rights cases.

Some two decades ago, the U.S. Supreme Court decided that, while teachers were considered state agents who must respect the constitutional right to privacy, searches of students could be conducted as long as they were reasonable and could be justified under the circumstances. In that specific case, a teacher found a student smoking in a bathroom (a violation of school rules) and took the teenager to the principal's office. The assistant vice principal then searched the student's purse and found cigarettes, marijuana and other paraphernalia. The court found the search to be reasonable under the circumstances.

More recently, the U.S. Supreme Court upheld a public school policy authorizing the random drug testing of student athletes. While the court agreed that urine collection is a search covered by the Fourth Amendment, it held that the reasonableness of the search is determined by comparing the impact on the individual's privacy right with the legitimate governmental interests. Finding that student athletes have a lower expectation of privacy than other students, and that the procedure used was relatively unobtrusive, the court found that the invasion of the student's privacy was permissible.

In Illinois, the Supreme Court has held that a "reasonable suspicion" standard rather than the stricter "probable cause" standard applies to the search of students by school officials.

Privacy Rights at home: Youngsters often ask if their parents can legally permit police to search their bedrooms. As a general rule, the answer is *yes*. Most courts have held that parents or guardians have a property interest in the entire home and are allowed to consent to the search of that property or to search it themselves. Also, courts have felt that children who remain at home are under the authority of their parents, which weakens the children's privacy argument with regard to their rooms and the items in their rooms.

Privacy and "private decisions": This is an area that is of much interest to parents and their children. It involves questions of when, and if, children can make important, yet highly, personal decisions without their parents' knowledge. Parents who have custody of their children have the right to make many important decisions about their children's life and life plans. However, you should also refer to the *Emancipation* and *Parents' Rights and Responsibilities* sections. In addition, in Illinois there are some circumstances in which minors can make medical decisions without parental involvement. Some of these situations are:

- A minor 12 years of age or older who has come into contact with any sexually transmitted disease, or who has been determined to be an addict or alcoholic, or who has a family member who abuses drugs or alcohol may give consent to medical care or counseling.
- A minor who wishes to obtain an abortion may petition the court for a waiver of the parental notification requirement which the court may grant if it feels that the minor is sufficiently mature enough and well informed to decide intelligently



whether to have an abortion of the court feels that parental notification is not in the best interests of the minor.



Receiving Stolen Property

So, you are on your way home from class. Someone that you know comes up to you and offers to sell you an I Phone 4S for twenty bucks. It looks great, no scratches, it is already activated with 64 GBs and lucky you; you just got paid from your part-time job. You hesitate a



moment and tell your pal that you want to “think about it”. She replies, “No problem, but a deal like this will go fast, I came to you first because we’re cool.”

Your moment of indecision passes, you pull a twenty out of your backpack and just like that: you are the proud owner of the latest, fastest wireless phone technology. It’s your lucky day. Or is it? Is that nagging feeling in the back of your mind because you were going to use that \$20 to go the movies, or is it something else? Here is some food for thought.

In the state of Illinois, you are guilty of theft when you:

Knowingly:

- (1) Obtain or exert unauthorized control over property of the owner; or
- (2) Obtain by deception control over property of the owner; or
- (3) Obtain by threat control over property of the owner; or
- (4) Obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him or her to believe that the property was stolen; or
- (5) Obtain or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen, and
 - (A) Intends to deprive the owner permanently of the use or benefit of the property; or
 - (B) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
 - (C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit. § 720 ILCS 5/16-1. Theft

So, under the scenario described above, could you be charged with theft? Should you be charged with theft? After all, you say, you paid for the property. You didn’t take it from anyone and you didn’t know that it was stolen. What if you paid \$50 for it? What if you paid \$100 for it?

The statute provides guidance when and if you don’t take heed of that “nagging feeling” in the back of your head. You are guilty of theft if you:

Obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him or her to believe that the property was stolen; And, intend to deprive the owner permanently of the use or benefit of the property.

The question then becomes: does paying \$20 dollars for a phone that is arguably worth at least \$300 constitute “circumstances as would reasonably induce him or her to believe that the property was stolen”? And, do those actions: paying for the phone mean that you intended to permanently deprive the owner of the use or benefit of the property? If we are to honestly answer the questions, the answers could only be “yes”.

It is important to note that someone who performed the above-described actions would be guilty of theft. In the case of a cell phone, or any item worth less than \$500 dollars, the charge would be a misdemeanor. You could go to jail for a maximum of 364 days, pay a fine of \$2500



or both. You also could be required to perform some sort of variation of that sentence such as probation, community service, or attending classes. You could additionally, be required to reimburse the victim for their loss. All of the possible sentencing possibilities are ultimately determined by a judge in court. That determination will be made in consultation with the prosecutor and your attorney based on the things that you have done with your life up until that point. All of the things that you have done, good and bad.

If you are seventeen or younger and charged with a misdemeanor; your case would be prosecuted in accordance with the Juvenile Court Act. In other words, you will end up in Juvenile Court. But, before you breathe a sigh of relief; some things to think about. In Juvenile Court, if you are charged with a crime, you will be required to have an attorney, your parents or guardian will be required to come to court. Depending on the circumstances of the particular case, your school may be notified. And, although juvenile court proceedings are “confidential”, do you really think that your classmates and peers won’t hear about the sordid details? Those details may not be true in all aspects. But, who wants to be the subject of such embarrassing rumors?

A theft which involves an object not valued at more than \$500 is a class four felony if the theft was committed in a school, a place of worship or if the theft was of governmental property. That means that you will not be charged under the Juvenile Court Act, you will be charged as an adult and subject to adult sentences. If convicted of a class four felony, you could go to prison for one to three years. You wouldn’t necessarily have to have an attorney; but why wouldn’t you? If the court finds that you are indigent, you could receive a court-appointed attorney, otherwise you will have to pay for one. Does that \$20 phone still seem like such a bargain? If convicted of a felony, you are no longer eligible for a number of student grants and loans. You may no longer have a “say so” in who your elected officials are. And, you will find it is much, much harder to find a job. Of course there may be people willing to take a chance on you, but why wouldn’t you do everything in your power to IMPROVE your chances of getting the best possible job.

(2) A person who has been convicted of theft of property not from the person and not exceeding \$ 500 in value who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code [[625 ILCS 5/4-103](#), [625 ILCS 5/4-103.1](#), [625 ILCS 5/4-103.2](#), or [625 ILCS 5/4-103.3](#)] relating to the possession of a stolen or converted motor vehicle, or a violation of Section 17-36 of the Criminal Code of 1961 or Section 8 of the Illinois Credit Card and Debit Card Act [[720 ILCS 5/17-36](#) or [720 ILCS 250/8](#)] is guilty of a Class 4 felony. 720 ILCS 5/16-1(b)(2)

If you have been previously convicted of any type of theft, that misdemeanor charge becomes a felony.

It doesn’t matter if the person who sold you the phone is a good person, a bad person or otherwise. It doesn’t even matter if it can be proven whether or not they knew the phone was stolen. You are, ultimately responsible for what flows from your decision to purchase and use it. We are, each and every one of us, susceptible to the lure of the “bargain”. To getting the best



possible merchandise for the least amount of money. However, we cannot ignore reasonable inferences and conclusions based on circumstances and common sense. The law recognizes that people who sell stolen property may not tell the “would-be buyer” that it is stolen. So, the law provides that if you have obtained control over property under circumstances in which a reasonable person would know that it is stolen, you are just as guilty.



Schools & School Rules



Public education in Illinois is governed by a combination of state law and local school board policies and regulations.. For example, the state usually decides the curriculum and requirements for graduation, attendance and teacher certification. Local school boards are then given the authority to hire and fire teachers, choose textbooks and resolve disputes among parents, teachers and students. Also, school boards generally have some discretion when applying state laws and regulations.

Each local school district has school administrators who supervise the day-to-day activities of its schools. The school district structure may vary from district to district. But the key administrative personnel include: a board of education or school board (generally elected); a superintendent who acts as the school system's chief administrator; and the school principal.

Private schools, on the other hand, are owned and operated by an individual, a corporation or some type of private or non-profit association. Many private schools are affiliate with a religious organization Private school have greater authority to establish policies independent of state law, but there curriculum must follow state guide lines. When dealing with a private school, it is best to work with your child's teacher(s) and the school principal or headmaster.

School Rules: Some rules may be unique to a particular school or classroom. Others may have come about in the form of a directive from a school board. And still others are mandated by state or federal law. Knowing the kind of school rule with which you are dealing is important if you want to change or challenge the rule. In Illinois rules regarding discipline are to be written periodically reviewed and amended by a School Disciplinary Committee with input from teachers and parents as well as administrators. 105 ILCS 5/10-20.5. This committee is also charged to develop rules for reporting crimes to local police authorities.

Rules developed by the schools are to be made available and open for inspection in the school office. Many schools place their rules particularly rule dealing with discipline on their school website. Disciplinary rules are usually given to students at the beginning of the school year in a school handbook.

What are the grounds for suspension or expulsion?

A student in Illinois may be suspended for gross disobedience or misconduct. Schools are required to develop rules that define such behavior in greater details. These rules are to be published and made known to students and their parents. A suspension is for a period of up to 10 days, and an expulsion may be for up to 2 years. In both suspensions and expulsions, students have a right to have a hearing to determine if in fact they have broken the rules and that the discipline is appropriate.

Each school district establishes rules for suspension and expulsion. Expulsions are for more serious rule violations or for repeat violations of the rules. A child can be suspended if he or she threatens to hurt someone, hits another student, or gets caught with a gun (even a fake one), drugs or cigarettes. Children also can be suspended for damaging school property, trying



to steal something or regularly using profanity. Disrupting school activities or willfully defying a teacher's authority could lead to suspension as well. And these are just a few examples. However, a child should only be suspended as a last resort. And the suspension should be in response to an offense that took place at a school, while traveling to or from a school, during the lunch period (at school or elsewhere) or while attending or traveling to or from a school-sponsored activity. Many schools have developed alternative education programs for students who are having difficulty participating in the regular schools.

When can a child be expelled from school?

Many of the same rules and grounds also apply to expulsions. The school principal or superintendent must recommend expulsion to the school board which must find that expulsion is appropriate. (unless circumstances make it inappropriate) for any student who does the following:

- Causes serious physical injury to another, except in self-defense
- Possesses a firearm, knife or other dangerous object at school
- Sells a controlled substance, except for a first offense of selling less than an ounce of marijuana
- Commits robbery or extortion (blackmail)

In addition, a student can be expelled for committing any of the acts for which suspension would be appropriate, if other means of correction are not feasible or have failed, and if the student's presence poses a danger to other students. Students are usually entitled to defend their actions at a hearing.

What might lead a parent to challenge a child's suspension or expulsion from school?

- If the child was suspended or expelled for violating a rule that was not communicated to the child; for example, if the school has no disciplinary code or if the code was never posted or made available to the students
- If the child was not told what he or she was accused of, if the act was not defined as behavior that could result in a suspension or expulsion, or if the child was never given the opportunity to explain his or her side of the story
- If the rules at the school are arbitrarily or discriminatorily enforced. (For example, if it seems that some students are never punished, while others are always being suspended.)
- If the basis for the school's action is related to truancy or other school absence issues. (See *Truancy*)
- If the school did not follow the mandatory due process procedures or its own district rules
- If the child is disabled and the behavior for which he or she is being suspended or expelled relates to that disability
- If the child says that he or she did not engage in the behavior charged by the school.

Can my child's teacher use physical force to punish students?



No, it is against the law for teachers and/or school administrators to use corporal punishment (such as hitting or slapping a student). However, school officials can use force to protect others, to quell disturbances that threaten physical safety or in self-defense. (105 ILCS 5/24-24).

Are there school rules that prohibit bullying?

Yes, Illinois law requires that school discipline policies include provisions for controlling bullying. (105 ILCS 5/10-20.14(d)) The rules and policies will vary in different schools. They should be found in the school discipline handbook. Bullying can involve hitting, name-calling or other harassment. Or it can be a barrage of insulting photos or comments posted on the Internet. It can happen at school, at home or in cyberspace—and data suggests that it may be common. In one recent survey, nearly half of the children ages 9-13 said they had been bullied. In another, one in six children ages 6 to 11 had had “mean, threatening or embarrassing” things said about them or to them via e-mail, instant messages, social networking Web sites, chat rooms or text messages.

If your child is a victim, see *What to do if your child is being bullied* below. And for more information, visit www.Stopbullyingnow.hrsa.gov

What is hazing—and is it illegal?

Students sometimes use hazing as a way to initiate fellow students into a club or fraternity. It can range from practical jokes to life-threatening activities. It is prohibited in school discipline policies. Criminal charges can be brought if it leads to physical injury (720 ILCS 12/5)

What to do if your child is being bullied:

- First, focus on the child. Be supportive and gather information about the bullying. Never tell your child to ignore the bullying. Often, trying to ignore bullying allows it to become more serious. Do not encourage physical retaliation (“just hit them back”) as a solution.
- Contact your child’s teacher or principal. Parents are often reluctant to report bullying to school officials, but bullying may not stop without the help of adults. Do not contact the parents of the student(s) who bullied your child. School officials should contact the parents of the child or children who did the bullying. If the bullying persists, contact the school authorities again.
- Help your child become more resilient to bullying. Help to develop talents or positive attributes of your child. Help your child meet new friends outside of the school environment. Teach your child safety strategies. Ask yourself if your child is being bullied because of a learning difficulty or a lack of social skills. Always maintain open lines of communication with your child.

Source: *Take a Stand. Lend A Hand. Stop Bullying Now!* campaign, Health Resources and Service Administration, the U.S. Department of Health and Human Services.



MORE INFORMATION FOR PARENTS:

There are required immunization shots and the health and dental examinations. Physical exams are required prior to entering kindergarten, fifth and ninth grades. Dental exams are required by May 15th of kindergarten, second and sixth grade. Dental exams may be waived if the child is Medicaid eligible or in the free lunch program and free dental services are not available. Physical exams may be available at the local public health department.

Dental examination information

http://www.isbe.net/research/pdfs/dental_information.pdf

School immunizations and physical examinations

View an immunization schedule with recommendations at

<http://www.idph.state.il.us/about/pgci.htm>

View the Illinois rules for school immunizations and physical examinations at:

<http://www.ilga.gov/commission/jcar/admincode/077/077006650B01400R.html>

Are immunizations costly? The Illinois Vaccines for Children *Plus* (VFC *Plus*) program provides free vaccines to needy children and to children of parents who do not have insurance that covers the cost of immunizations. Local health departments also can provide vaccinations for children at no cost or very low cost and will not deny childhood vaccinations for those who cannot pay.

Where can I get more information? You can call the state of Illinois' Help Me Grow helpline at 1-800-323-GROW (voice and TTY) for additional immunization information. Now, under a new state law, children attending kindergarten at a public school (or public school first-graders who did not attend kindergarten at a public school) generally must have their teeth and gums checked by the end of May that year. If it is a financial burden or you, the parent, are against such a checkup, an exception may be made (provide cite).

Before and After School Programs

Information on these programs is available at:

<http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?RecNum=5402&SubjectID=9>

School lunch programs have, in some areas, been expanded to include breakfast programs. For information contact: http://www.isbe.state.il.us/nutrition/htmls/national_school_lunch.htm

School Report Cards Illinois parents can view School Report Cards on line. See how your child's school rates as compared to other schools in the state.

<http://webprod.isbe.net/ereportcard/publicsite/default.htm>.



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Sex & Kids

Laws that make it unlawful to have sex with minors are called statutory rape laws. These laws make it legally impossible for a minor (someone under 18) to consent to sexual intercourse. The act is considered rape even if the minors are in love and freely enter into the sexual relationship.

In Illinois, statutory rape is called criminal sexual assault. It is legally defined as an act of sexual penetration with a victim who was at least 13 years old but under 18 years old (720 ILCS 5/12-13). The law is intended to protect boys and girls alike. A person who engages in unlawful sexual intercourse and who is not more than four years older than the minor is guilty of a misdemeanor (720 ILCS 5/12-15). If the person is more than three years older, however, he or she may be found guilty of a felony punishable by imprisonment in county jail or state prison.

In addition, a separate Illinois law prohibits lewd or lascivious acts (child molestation) with a minor (720 ILCS 5/12-15). Children are also forcibly raped. Forcible rape involves the use of force, fear, coercion or trickery to acquire sex. In most cases, forcible rape is a crime of violence. When a child is the victim, the rape usually occurs in one of three ways: the child is preyed upon by strangers; he or she is victimized by an acquaintance or date (“date rape”), or he or she is taken advantage of by a relative or a spouse (incest, child abuse or spousal rape). For committing such a crime, a rapist could face 15 years to life in prison (720 ILCS 5/12-14.1).

What should a young person know about sexting?

Sexting describes the act in which individuals distribute lewd photos using their cell phones or computers. On January 1, 2011, a new law aimed at juveniles who “sext” went into effect in Illinois. Under the new law, juveniles who are involved in sexting would have to appear in juvenile court and could potentially receive a punishment of supervision by the state, in addition to counseling and community service (705 ILCS 405/3-40). Previously, minors who electronically distributed lewd photos, particularly those depicting other minors, could have faced much stricter criminal charges and could have been deemed sexual predators.

What should a young person know about rape?

If a young person has been raped, it should be reported to the police, and the victim should seek immediate medical help and psychological assistance. Many counties in Illinois have victim assistance programs, sexual trauma centers and rape crisis hotlines. These programs are often associated with a county State’s Attorney’s office and work with the state to help find and prosecute the rapist. Such programs also offer counseling, financial assistance and other services to help victims overcome the trauma associated with being raped. To protect victims of rape from public disclosure of statements they make in confidence to counselors of organizations established to help them, Illinois has enacted strict confidentiality laws governing rape crisis organizations (735 ILCS 5/8-802).



To find a rape crisis center near you visit the Illinois Coalition Against Sexual Assault's website at <http://www.icasa.org/crisiscenters.aspx?pageid=501>.



Stealing

In Illinois, "stealing" is usually called "theft." All forms of *theft*, including basic *theft*, involve getting control over someone else's property. That control could be by taking it, carrying it away, selling it, using it, possessing it, or hiding it, if permanently depriving the owner of the benefit of the property or at least intending to do so. 720 ILCS 5/1-8, 16-1.

Most instances of *theft* are just called "theft" by the authorities. But there are several types of theft of property that have special laws and titles. Here are a few examples:

Failure to return a video to the Video Store, after being given written notice to return it, may constitute *Theft by Lessee*. 720 ILCS 5/16-1.1.

"Finders keepers, loser's weepers" is not the law in Illinois. If someone finds lost property and knows who the owner is, he or she must take reasonable steps to return it, or the finder could be charged with *Theft of Lost Property*. 720 ILCS 5/16-2.

An example of *Theft of Services* includes telling a taxi cab driver where to take you, and, upon arrival at the destination, jumping out of the cab and running away without paying, having never intended to pay. 720 ILCS 5/16-3.

Breaking into a vending machine and taking the items for sale in the machine or taking money from the machine is *Theft from Coin-Operated Machines*. This type of theft also covers parking meters, pay phones, coin laundry machines, video game machines, music machines (jukeboxes), and money changers. 720 ILCS 5/16-5.

Unlawful Use of Recorded Sounds is a form of theft. This Illinois law makes it illegal to download music, without the consent of the owner, for the purpose of selling it. 720 ILCS 5/16-7. Downloading loading music for personal use from legitimate sites, like iTunes, is legal, but downloading music from unlicensed sites is illegal. This involves copyright law, and violations may result in fines, law suits, or other penalties.

Teenagers and college students sometimes think they have found creative ways to make free long distance telephone calls. These ways must be legal. *Unlawful Interference with Public Utility Services* is a form of theft involving the unauthorized use of electricity, water, natural gas, or telephone service.

Intentionally obtaining wireless service without the consent of the provider constitutes *Theft of Wireless Service*. 720 ILCS 5/16F-3

A common form of stealing among younger people is stealing items for sale in a store. This is commonly called "shop lifting." Illinois law calls it "retail theft." 720 ILCS 5/16A-3.



With the growing use of the Internet, "identity theft" has become a major concern. One form of *Identity Theft* is knowingly using someone else's personal identification information to fraudulently obtain goods or services. 720 ILCS 5/16G-15.

When the stealing or theft is done from a person, the seriousness of the crime greatly elevates. *Robbery* is taking property from another by the use of force. 720 ILCS 5/18-1. If the property taken is a motor vehicle, the offense is called *Vehicular Hijacking*. 720 ILCS 5/18-3.

A robbery committed with a firearm or other dangerous weapon is an *Armed Robbery*, for which a person must be sent to prison and cannot receive probation. 720 ILCS 5/18-2.

Because stealing or theft is a criminal offense, there are consequences upon a conviction. Offenders can be fined, placed on probation, ordered to perform community service, given home detention with or without an electronic bracelet, ordered to undergo mental health counseling, jailed, or sent to prison. A criminal record can make it more difficult to go to college or to get a job.

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Illinois General Information & Resource

Links

Illinois Attorney General	http://www.illinoisattorneygeneral.gov/
Illinois Compiled Statutes	http://www.ilga.gov/legislation/ilcs/ilcs.asp
Illinois Department of Children and Family Services	http://www.state.il.us/dcfs/index.shtml
Illinois Health & Wellness	http://health.illinois.gov/
Illinois Secretary of State	http://www.cyberdriveillinois.com/
Illinois State Bar Association Law-Related Education	http://www.isba.org/teachers/index.html
Illinois State Board of Education	http://www.isbe.state.il.us/
Illinois State Police	http://www.isp.state.il.us/
U.S. Department of Labor	http://www.dol.gov/



Legal Terms

Adjudicatory hearing: the procedure used to determine the facts in a juvenile case. It is similar to an adult trial but generally closed to the public.



Aggravating factors: factors that might increase the seriousness of the offense which may be considered by the judge and jury.

Aid and abet: to actively, knowingly, intentionally or purposefully assist someone in committing a crime.

Arraignment: a court session at which the defendant is charged with an offense and enters a plea.

Assault: an attempt to hurt someone in a way that makes the victim feel immediately threatened. There is no need for physical contact.

Attorney: a person who has a law degree and is licensed by the state to advise and represent others in legal matters.

Battery: any intentional, unlawful physical contact inflicted on one person by another without consent.

Best interest determination: the standard that the courts use when deciding issues involving custody, visitation rights, adoption and guardianships. It requires that the court consider many factors, such as the physical safety and welfare of a child, the child's wishes and long-term goals, the child's need for permanence, the uniqueness of the family and child, among other matters.

Beyond a reasonable doubt: the standard of proof required to convict a person of a criminal offense. It does not require the trier of fact to be convinced 100%. It does mean, however, that there should be no *reasonable* doubts as to a person's guilt.

Burden of proof: the obligation of a party to prove his or her allegations during a trial.

Civil action: a lawsuit against a person, business or the government for the purpose of redressing private wrongs.

Complaint: the first paper filed in a civil action which states the wrong done to the plaintiff by the defendant.

Conspiracy: an agreement between two or more individuals to commit a crime, along with an act done to begin the crime.

Contempt of court: to defy the authority of the court. One who is found in contempt of court may be fined, jailed or both.

Contributing to the delinquency of a minor: the act of aiding or encouraging the improper conduct of a minor.

Convict: to find a person guilty of a crime or wrongdoing; a person who has been found guilty of a crime and is not in prison.

Crime: an act or failure to act that violates a law for which a penalty (usually a fine, jail or probation) is set by statute.

Criminal Code: a list of criminal offenses and the punishment attached to each offense.

Damages: money awarded by the court to be paid by a person who has wronged another in a civil action.

Defendant: the person against whom an action is taken. In a civil suit, the defendant is the person being sued; in a criminal case, the defendant is the person charged with committing a crime.

Delinquent offender: a minor who has committed an offense usually punishable by criminal process. In most cases, such offenders are processed through the juvenile court.

Detention: temporary custody, such as being held at the police station or in a juvenile facility.

Disposition: the word used in the juvenile justice system when referring to the outcome of a juvenile proceeding and similar to sentencing in adult court.



District attorney: an attorney representing the government who tries to prove the guilt of an accused. In juvenile proceedings, this attorney decides whether or not to bring a juvenile to court and recommends a disposition as well.

Diversion program: a special program for handling first time offender minors to prevent their further involvement in the juvenile justice system.

Drunk driving – driving while under the influence: being in actual physical control of a motor vehicle while under the influence of alcohol and/or drugs. For adults, there is a presumption of being under the influence if the blood alcohol concentration level is 0.08 or over; for minors under 21, any amount of alcohol in the blood may result in a loss of driving privileges.

Due process: a constitutional guarantee afforded minors and their parents that they will be afforded advance notice of all hearings and a right to be heard; legal procedures that entail a set of rules and principles which are meant to guarantee justice and fair play.

Felony: a serious criminal offense punishable by a prison sentence of more than a year.

Foster home: the residence or home, other than that of the child's own parents, in which a child is placed temporarily by the court or a child welfare agency.

Guardian: an adult who has been given the custody of and the right to make decisions on behalf of a child or disabled adult.

Guardian ad litem: a person appointed by the court specifically to protect the interests of a minor in a lawsuit or other legal proceeding.

Hearing: a constitutionally required formal proceeding in which an accused is given notice of charges against him or her and then has an opportunity to present a defense.

Homicide: the killing of another person.

Hung jury: the situation in which a jury cannot reach a unanimous decision.

Initial hearing: a preliminary examination of the validity of a youth's arrest, during which the state must prove that an offense was committed and that there is reasonable cause to believe the youth committed it.

Intent: the determination to reach a particular end by a particular means.

Jury: a body of men and women selected to examine certain facts and determine truth in a legal proceeding.

Juvenile court: a court established by the state to hear matters involving youngsters under the age of 18 who have either been abused or neglected by their parents, or found to be outside the control of their parents, or who have committed a crime.

Kidnapping: taking custody of a person against his or her will.

Legal defense: a legally recognized excuse for a defendant's actions which may absolve liability for certain offenses.

Mandatory sentencing laws: laws that require courts to sentence convicted criminals to definite prison terms.

Manslaughter: the killing of a person without malice or premeditation.

Miranda warnings: rights that a person must be told when arrested or taken into custody by police or other officials acting on behalf of the state. These include the right to remain silent, to contact a lawyer, to have a lawyer appointed if one cannot be afforded.

Misdemeanor: a criminal offense, less serious than a felony, punishable by a jail sentence of one year or less.



Mitigating factors: factors that may lessen the seriousness of the offense which may be considered by the judge or jury.

Murder: the unlawful killing of another.

Negligence: failure to exercise the care that a reasonable person would exercise in the same circumstances.

Parole: granted at the discretion of the Parole and Pardon Board, release from prison before the full sentence has been served.

Preponderance of the evidence: the standard of proof generally used in civil suits. To prevail, the party must present sufficient evidence in court to show that his or her claims are more likely to be true than not.

Probably cause: a reasonable belief, known personally or through reliable sources, that a person has committed a crime.

Probation: a period of time when an offender is under the supervision of a court official to make sure court orders are followed.

Prosecution: the process of suing someone in a civil case or bringing someone to trial on criminal charges.

Public defender: an attorney who is paid by a county to defend those without money who are accused of committing crimes.

Reasonable person standard: how the community expects its members to act under similar circumstances. It is based on the degree of care that persons of ordinary prudence would exercise in particular situations.

Restitution: money paid to victims by the offender to make up for harm or damage done.

Robbery: the unlawful taking of property from another's immediate possession by force or threat of force.

Self-defense: the right to defend oneself with whatever force is reasonably necessary against an actual or reasonably perceived threat of personal harm.

Self-incrimination: providing answers and answering questions that would tend to subject one to criminal prosecution.

Shoplifting: a form of theft in which items are taken from a store without payment or the intention to pay.

Station adjustment: the informal handling of an alleged juvenile offender by a juvenile police officer.

Status offenses: acts that illegal if committed by a juvenile, such as truancy or running away from home.

Statutes: laws enacted by the legislature.

Statutes of limitation: laws that set deadlines for when certain lawsuits may be filed.

Statutory rape: an act of sexual intercourse with a minor under age 18 who is not the perpetrator's spouse, whether or not the minor consents to the act.

Temporary restraining order (TRO): an order issued by a court to prevent a change in the status quo. It is temporary in nature and may be issued without calling together both parties to the dispute. Often, the court will later hold a hearing to determine whether the TRO should be made into a permanent injunction.

Termination of parental rights: the taking away by the state of the rights that parents possess in relation to their children.



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