

On Your Own

Your Legal Rights



Updated in 2005

Introduction

Once you are 18 years old you enjoy most of the legal rights of an adult. You can make legally binding **contracts** (see glossary for definitions), buy on credit, get married without your parents' permission, sue or be sued, vote and make a will. You will also be treated as an adult if you commit a crime.

In *On Your Own* we try to give you an overview of some of your basic legal rights and responsibilities. We try to answer some questions you may have and raise some questions you may not have considered. At the end of the book we have listed phone numbers and names of agencies where you can get more information and help.

Remember that laws change constantly and your legal rights and responsibilities vary with the circumstances. *On Your Own* provides only an overview of the law in Washington in 2001 and does not constitute legal advice. If you have a specific problem you should talk to a lawyer or call one of the agencies listed.

Most important, exercise your legal rights. Used wisely, they are powerful and effective.

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Chapter 1: Your Rights & Responsibilities As A Driver

Rick is 19. He and a friend have a couple of beers. After dropping off his friend, Rick quickly backs out of the driveway, hitting the neighbor's van. Rick panics, thinking "It's only a small scrape" and drives off. But a neighbor hears the sound of Rick's brakes, and writes down his license number. A police officer pulls him over two blocks from his house. She quickly spots several full beer bottles in the back seat, and sees a half-full bottle tucked next to his center console. She smells alcohol on his breath.

Rick is now being investigated for a number of **charges**, including "Minor in Possession or Consumption," "Minor Operating a Vehicle After Consuming Alcohol," and "Hit and Run." He also potentially faces a charge of "Driving Under the Influence." He could also be cited for the infraction of having an Open Container of Alcohol in his vehicle. What should he have done? What will happen?

ALCOHOL AND DRIVING

Consuming alcohol while under the age of 21 can subject you to a number of penalties. Minor in Possession or Consumption of Alcohol carries up to one year in jail and \$5,000 in monetary penalties. If you are under the age of 18, a Minor in Possession or Consumption charge can result in at least a one year revocation of your driver's license.

A minor can be charged with the criminal offenses of Operating a Vehicle After Consuming Alcohol (if a breath alcohol test after driving is over .02 but under .08); or Driving Under the Influence of Alcohol and/or Drugs. Penalties for either include mandatory jail time and fines, license suspension, and mandatory installation of an ignition interlock device in your vehicle. These penalties can be enhanced if you refuse a breath or blood test.

If you are being investigated for a DUI or related charge, it's best to ask to speak to a lawyer immediately. If you do not know a lawyer, you can ask to talk to a public defender. One is available 24 hours a day to advise you on your best course of action. While you should be respectful of any police officer who asks to talk to you, you are not required to answer any questions beyond identification, etc. You are required to identify yourself to any officer and to provide insurance and registration information when pulled over. But you have the right to remain silent if any police officer asks you questions about drug or alcohol use, or any other criminal offense. However, you do not have the right to lie to the officer. If you refuse to provide identification or you tell the officer a lie, you may be charged with Refusing to Provide Information, or Obstructing an Officer in an Investigation. These are offenses which carry potential jail time. Do not confuse these charges with remaining silent when an officer questions you about a crime. You always have the right to remain silent when you are being investigated.

ACCIDENTS

Hit and Run charges also carry potential jail and fines, which are more severe if a person is in the vehicle or structure that is struck by your vehicle. License suspension can result from a Hit and Run conviction. If there is an injured person at the scene of an accident, you can be charged with a felony offense.

What should you do if you are involved in an accident? First, make sure no one is seriously injured. State law requires you to help injured persons. Give aid directly if you are qualified, but be sure to call 911 for help. If you must leave to get medical assistance, be sure to return immediately.

Information to be exchanged with the other party includes:

- Name
- Address
- Driver's License Number
- Telephone Number
- Insurance Company
- License Plate Number
- Vehicle type
- Registered owner

If there is no driver (for example, you hit a mailbox or a parked car), you must leave your name and address at the scene, even if the damage is small. If you do not, you can be cited for hit-and-run.

In Washington, it is even possible to be charged with an offense for leaving the scene of an accident that you may not have directly caused. For example, if another driver misinterprets a signal or lane change that you make, and that driver swerves and strikes another vehicle and an accident happens, it is best to stop at the scene of the accident.

Never make comments about the cause of the accident, especially if you think you are at fault. The comments can be used against you later.

You may leave the scene of the accident only after you exchange the information mentioned above, or after a police officer gives you permission.

After an accident, State law requires that you complete an accident report form if there is any injury or if property damage exceeds a small amount. Because of this, be sure to contact police if anyone complains of even the slightest injury, or if there is any questions as to the amount of property damage. Contact city police if the accident is within city limits, or call the county sheriff or state patrol if it takes place outside of city limits.

No matter who you think was at fault, report the accident to your insurance company as soon as possible. Most insurance policies will not cover an accident if you do not report it to them within the time specified in your policy.

TRAFFIC CITATIONS, CRIMINAL CITATIONS, AND COURT APPEARANCES

Accidents or other traffic stops can lead to traffic citations. A citation does not necessarily mean that you were at fault for the accident. If cited, you may pay the fine or request a contested hearing in court. You can also ask to "mitigate" or lower the fine. If you have never received a traffic infraction before, you may be eligible to "defer" the ticket, which would eventually result in a dismissal of the infraction.

If you fail to pay the ticket, or if you fail to show up for a court hearing scheduled for an infraction, a fine can be ordered and your driver's license may be suspended if you continue to ignore the

fine. This is one very good reason why it is important to keep a current address on file with the Department of Licensing.

If you receive a summons to appear for a *criminal* offense (Reckless Driving, DUI, Negligent Driving First Degree, Minor Operating a Vehicle After Consuming Alcohol, etc.), you must appear at that court hearing or a warrant will usually issue for your arrest. If you are found when a warrant is active, you will be taken to jail. It is very important to respond to a written notice of a criminal charge. If you are uncertain as to whether the charge is a criminal one, examine the top of the ticket for its classification, or contact an attorney for guidance. It's best to have the assistance of an attorney immediately if you think you have been charged with a crime.

INSURANCE AND FINANCIAL RESPONSIBILITY

In order to drive a car, Washington law requires you to buy insurance and carry a card showing proof of this insurance in your car. If you are asked by an officer to provide proof of insurance and do not have that card with you, you may be charged with an infraction with a very stiff fine (even if you have current insurance!). Pay your insurance premiums promptly so that your insurance is in effect all the time.

If you are involved in an accident and you do not have insurance, you will have to deposit money with the Department of Licensing to cover the damage to the other driver. It's best to speak with an attorney for advice about this, especially if you receive a demand for money without any proof of how the damages were calculated. If you do not pay for damages a court finds that you caused, then you can lose your license until those damages are paid or until a payment system is established to eventually pay off those damages.

It's best to shop for lower rates for insurance, as they can vary widely. Rates can be reduced if you can show proof that you have good grades, a good traffic record, or if you are a nonsmoker. If you ever let insurance lapse, you may find that obtaining insurance again will be more expensive due to this time when you were uninsured, even if it was only for a brief period.

If you have insurance and you receive a notice that your insurance is being cancelled, find out right away why this is happening. If you feel that the cancellation is unfair, call the Washington Insurance Commissioner to find out your rights. Do not let your insurance coverage lapse while you do this, find coverage with another company.

Types of Insurance

There are different types of automobile insurance. The only type of insurance you are required to carry is liability insurance. The other types are optional, but are very important.

Liability insurance is a contract between you and the insurance company. It requires the company to pay for damages that are your fault. It covers damages to the other person's car and property, as well as bodily injuries. Liability insurance also requires the insurance company to provide you with a defense for free if the other person sues you.

Policy limits can vary depending on the amount of coverage you prefer. An insurance agent or broker can explain the minimum coverage required by law and help you decide how much coverage you will need. You are also financially responsible for amounts over those limits that are caused by your actions.

Uninsured/Underinsured Motorist Coverage protects you and your passengers if you are injured by a hit-and-run driver, a driver who has no insurance, or a driver who does not have enough

insurance to pay you for your damages. The coverage must have the same policy limits as your liability insurance.

Personal Injury Protection (“PIP”) is another way to make sure you and your passengers get enough money if you are injured in an accident. This coverage is now automatic which you may reject. PIP coverage provides for payment of medical expenses or lost wages for a fixed period following an accident. It does not matter who is at fault.

Collision Coverage is available to pay for damages to your vehicle. Like personal injury protection, it does not matter who is at fault. Most banks and companies who lend money to buy a car require you to have collision insurance as long as you owe them money on the car. However, you do not have to buy this insurance from the company that lent you the money. Shop around for the best price. The amount of insurance you will need depends on the value of your car, the amount of premium to be paid, and the amount of deductible selected.

Comprehensive Coverage is available to compensate you for damage to your vehicle by theft, fire, vandalism or a natural catastrophe.

LOSING YOUR LICENSE

Many of the above sections describe license suspensions possible for DUI or MIP convictions, failure to pay for damages when you are uninsured, and for failing to respond to a traffic citation. There are also consequences to your license if you are convicted of a drug-related crime, if you use a fake i.d., or if you let your friend use your license as a fake i.d. Some suspensions occur even if the crime has absolutely nothing to do with driving. You may also be notified by the Department of Licensing that your license is suspended for safety reasons (having too many infractions within a certain period of time). You may have to attend a Traffic Safety School to be eligible to reinstate your license after a “safety suspension.”

You can be charged with a *criminal* offense if you continue to drive with a suspended or revoked license. Charges for “Driving While Suspended” or “Driving While Revoked” can carry jail, fines, and additional license revocation. If you receive three “major moving violations” (like Reckless Driving, DUI, Vehicular Assault, or Driving While Revoked) or 20 infractions (with a few exceptions) within a 5 year period, you may be classified as a “Habitual Traffic Offender” and lose your license for seven years! Many suspended drivers think they will be safe if they simply drive within the speed limits and obey all the rules of the road. But in Washington, it is legal for a police officer to stop a vehicle if the registered owner is listed as a “suspended driver” ... even if you are driving the car perfectly, or if you are not the registered owner!

If you receive any notice of a license suspension action against you by the Department of Licensing, there is often a very brief period to contest this action. To do so, you must follow the directions to formally contest the suspension, often by sending something in writing to request a hearing. Hiring an attorney is usually a very good idea for assistance in these matters. License suspension actions are not criminal charges, so there is no “public defender” available to assist you if you have limited income. Sometimes the cost of hiring an attorney is much cheaper than arranging for alternate transportation after losing your license. Not only is losing your license inconvenient, but after a revocation, you may be required to pay “high risk” (SR-22) insurance in order to reinstate your driving privileges. It is important to see if there is any defense to the license suspension action. Whether you hire an attorney or not, do not ignore these notices, it will only make matters worse.

Having a driver’s license is often necessary to find a job or go to school. Use this privilege wisely, and be aware of all the ways in which your license can be suspended, and avoid those behaviors.

Having a driver's license is a privilege. You do not have a right to drive. Your privilege can be taken away if you are in violation of any of these rules or regulations.

For more information about licenses, look at the website for the Washington State Department of Licensing, at www.dol.wa.gov.



Chapter 2: Your Job

Caroline's boss is always flirting and putting his arm around her. She does not like it and has informed him of her feelings. However, Caroline's boss continues his behavior and is now pestering her to go out with him. Can he legally fire her if she rejects his advancements? What about if she reports his conduct to his supervisor or the Equal Employment Opportunity Commission ("EEOC")? If things get so bad that she quits, may she collect unemployment insurance and/or does she have a claim against her employer?

Caroline is the victim of sexual harassment. Washington and federal law have special protections for employees in Caroline's situation. The law also has many other protections for employees when they are looking for jobs, while they are on the job, and after they leave. This section attempts to provide guidance on a few of these protections.

GETTING A JOB

Get a Social Security Number

If you do not already have a social security card/number, contact the Social Security Administration. You can contact the Social Security Administration three ways: (1) via website at www.socialsecurity.gov/online/ss-5.html, (2) via telephone – 1-800-772-1213, or (3) in person at the local Social Security Administration Office – 901 Lenora, Suite 100, Seattle, WA 98121. To get a Social Security card, you must provide original documents that show your age, identity and citizenship or lawful non-citizen status. The Social Security Administration will verify birth documents for U.S. citizens age 1 and older with the office that issued the documents. It will verify Department of Homeland Security (DHS) documents for all non-citizens with DHS. You should get your number and card as soon as the Social Security Administration has all of your information and your documents are verified.

Employment Agencies

Employment agencies are often used to assist an individual in finding a job. An employment agency will almost always charge a fee for its services. You should check to see whether you or your future employer will pay the employment agency fee. If the agency requires you to pay its fee, you should obtain a written contract from the agency that sets forth the (1) amount of the fee, (2) terms of payment, and (3) services provided. Review the terms of the contract carefully. If you do not want to pay a fee for employment agency services, you must tell the employment agency (preferably in writing) that you will not take a job unless the employer pays for the fee. This may, however, limit your job opportunities, as many employers will not pay a fee for an inexperienced employee. Be certain you understand your commitment to an employment agency *before* signing a contract.

Places to Look

Be resourceful when looking for job opportunities. Check the newspaper, the Internet, local bulletin board and talk to friends. You never know when an opportunity will present itself. Also, target companies that interest you and apply directly to their Human Resource Departments.

ON THE JOB

Job Discrimination

General Rule: In hiring, working conditions, wages, transfers, promotions, or firing, an employer cannot treat you differently because of your sex, race, color, marital status, physical or mental disability, religion, national origin, ancestry, pregnancy, HIV status, age (if you are over 40), and in some situations sexual orientation. Specific city or local ordinances or company policies may also provide additional protections.

Exception: An employer may consider one of these characteristics if it's an actual (bona fide) qualification for a specific job. For example, an employer – who clients are general English speaking – may legally refuse to hire someone who does not speak reasonably understandable English for a receptionist position. However, a fast food restaurant may not refuse to hire a man just because the customers prefer to be waited on by women.

Examples of Discrimination: Discrimination can take on many forms. For example, you may be paid less than someone else who has the same qualifications and the same job. You may be asked to do more unpleasant tasks than someone else who is in the same position. Or an employer may refuse to provide you with a reasonable accommodation that will allow you to perform your duties despite a disability. Each of these situations could be discrimination. Very few acts of discrimination are straight forward admittances that someone was not hired, was disciplined or was fired because of their race, sex, color, etc. If you feel as though you have been discriminated against, it is wise to seek guidance from an attorney.

What to Do: If you believe you have been subject to discrimination, it is important to record and report it. Keep a written record of all acts of discrimination or harassment. Report all such acts to your supervisors and keep a record of all the reports you make and the supervisors' responses. If the matter is not adequately addressed by your employer, call the Washington State Human Rights Commission ("WSHRC") and the Equal Employment Opportunity Commission ("EEOC") – these phone numbers are listed at the end of the booklet. The WSHRC and the EEOC will investigate your claim and may help you enforce your rights. If you feel it's necessary, you may also want to contact a lawyer for additional guidance.

Retaliation: An employer may not fire or demote you for reporting a discrimination claim to your supervisor, WSHRC or the EEOC. Report any alleged retaliation to the WSHRC and/or the EEOC.

Sexual Harassment

General Rule: Sexual harassment is illegal. It includes offensive touching or remarks, offers of special treatment or promotion in exchange for sexual favors, or threats to fire you unless you engage in sexual activity. Sexual harassment may also include the creation of a hostile environment based on offensive photographs, jokes, emails, screensavers, etc., sexually demeaning remarks to you or other workers, or offensive touching. Both men and women can be victims of sexual harassment.

What to Do: First, make the person aware that the behavior is unwelcome. Then, if a co-worker continues to harass you by engaging in offensive conduct, report the problem to your supervisor. If your supervisor is harassing you, report the matter to the person in charge of your supervisor, the personnel department, or the person named in the company's sexual harassment policy. Be specific when you explain the problem and be persistent in getting the problem solved. If the matter is not adequately addressed by your employer, contact the WSHRC and the EEOC. Like in the discrimination context, the WSHRC and the EEOC will investigate your claim and may

help you enforce your rights. If you feel it's necessary, you may also want to contact a lawyer for additional guidance.

Retaliation: An employer may also not fire or demote you for reporting a harassment claim to your supervisor, WSHRC or the EEOC. Report any alleged retaliation to the WSHRC and/or the EEOC.

Wages

General Rule: State and federal law specify the minimum wage, the number and length of breaks you are entitled to in a working day, and how much you must be paid for overtime. There are, however, many exceptions to the general rule.

- *Minimum Wage:* As of January 1, 2005, the minimum wage in Washington is \$7.35 per hour for all employees above the age of 18. Exceptions exist for certain types of workers such as apprentices and messengers. The minimum wage rate will be adjusted for inflation year to year.
- *Overtime:* As a general rule, if you work more than 40 hours a week, you must receive one and one-half (1 ½) times your regular rate of pay for your overtime work. Some salary-position jobs are exempt from this requirement.

Contact Information: To get information about the minimum wage, hour or break requirements, and other employer requirements, contact the Washington State Department of Labor and Industries (1-800-547-8367) or the US Department of Labor (1-866-4-USA-DOL).

Work Permits: If you are under 18, your employer usually must obtain a work permit for you from the State Department of Labor and Industries. The State may also restrict the number of hours you may work per week and/or the types of jobs you perform. For more information on any such restrictions, contact the Washington State Department of Labor and Industries.

Injuries at Work: Washington law requires most employees to contribute to the State industrial insurance fund – although some employers are self-insured. If you are injured at work and get medical treatment, the fund or the employer's self-insurance should pay your medical expenses. If your injury causes you to miss work, you may receive benefits for the time you missed. Your employer should have the forms for you to complete if you are injured. If you don't receive them, ask for them specifically. Then make certain you complete those forms fully and promptly to protect your rights. As with other employment rights, your employer may not retaliate against you for filing a worker's compensation claim or otherwise asserting your right to receive benefits. For more information on a worker's compensation claim, contact the Washington State Department of Labor and Industries.

Payment: Your employer is required to pay you for wages earned. If your employer intentionally pays you less than you were promised or wrongfully withholds some of your wages, your employer may be liable for double the amount of wages owing, as well as the costs and attorneys' fees you incur in collecting the wages. Tell your employer immediately (preferably in writing) if you feel your paycheck is not correct. If your employer does not resolve the problem, call the Washington State Department of Labor and Industries and/or an attorney.

Family and Medical Leave

General Rule: State and federal law provides various protections for employees who need to take time off to care (1) for the birth of a child, and in order to care for the child; (2) for the placement with the employee of a son or daughter for adoption or foster care; (3) to care for the employee's spouse, child or parent with a serious health condition; (4) because of a serious health condition that makes the employee unable to perform at least one of the essential functions of his

or her job. An employee is entitled to use up to 12 weeks of unpaid, job-protected leave per year for qualifying reasons. (In Washington, an employee may also take additional leave for pregnancy/childbirth disability.)

Who Is Covered: When determining if you are covered by family and medical leave laws, you need to look at the size of your employer and the length of time you have worked. A public employee is considered to be covered by family and medical leave laws regardless of how many employees it has. Private employers must have at least 50 employees within a 75-mile radius of the site where the employee works. An employee of a covered employer is eligible for family or medical leave if the employee has been employed (1) by the employer for at least 12 months and (2) for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

What to Do: Whenever possible, an employee must give an employer advance notice of the need to take leave. Once you tell your employer that you need family and/or medical leave, find out what the company policies are relating to this type of absence. Under certain circumstances, an employer may require medical proof of the illness of the employee or his/her family members. If your employer refuses to allow you to take leave for qualifying reasons, eliminates your job during your absence, or denies you medical benefits which your job ordinarily provides, call the Washington State Department of Labor and Industries, US Department of Labor, or an attorney.

TERMINATION

Termination at Will

In Washington, your job is generally terminable at will. This means your employer may fire you for any reason unless one of the following exceptions applies:

1. The firing is discriminatory, that is, based on race, color, marital status, physical or mental disability, religion, national origin, ancestry, pregnancy, HIV status, age (if you are over 40), and in some situations sexual orientation;
2. The firing violates a contract you or your union have with your employer;
3. Your employer fires you because you filed what you reasonably believe is a valid complaint with your supervisor or government agency;
4. Your employer has made specific promises in policy manuals regarding termination and fails to keep those promises.

What to Do

Keep a personal record of all your job evaluations, raises and other indications of your job performance. Also, keep records of all actions that you consider to be discriminatory, sexual harassment, or retaliations. Write down specifically when you reported the conduct to a superior, what you said, and what the supervisor's response was. If an employer fired you for an illegal reason, contact the WSHRC, EEOC, and/or an attorney.

UNEMPLOYMENT BENEFITS

Qualifications

If you have worked for 680 hours in your “base year” period and you have been laid off, you may qualify for unemployment benefits. Generally, you will not receive unemployment benefits if you quit unless you quit for ‘good cause’ such as discrimination, sexual harassment or retaliation. Similarly, you will not receive unemployment benefits if you are fired for misconduct. Moreover, to collect unemployment benefits, you must be actively seeking other work.

What to Do

Call your local Employment Security Office to see if you are entitled to benefits (Seattle – 206-440-2500 / Tacoma – 253-589-7119). If you are entitled to benefits, apply immediately in person or on the internet (www.wa.gov/esd). There is a waiting period that does not start to run until you have applied.

Pay Backs

It is important to note that if you abuse the system by not following the rules or by misrepresenting your situation you will have to pay back any benefits you receive.



Chapter 3: Your Rights & Duties As A Tenant

THE LANDLORD'S DUTIES & RESPONSIBILITIES

Questions a Landlord May Ask

Landlords may not discriminate on the basis of race, sex, age, religion, disability or whether you have children and cannot ask you about these matters. Some cities also prohibit discrimination on the basis of sexual orientation and political affiliation. A landlord can ask about criminal convictions and check into your employment and credit history before renting to you.

What the Landlord is Supposed To Do

Tenants have the right to a livable place. The Washington Residential Landlord-Tenant Act requires that every landlord do the following:

1. Keep the property fit for humans to live in. There are health and safety codes the landlord must follow.
2. Make repairs and keep the property in good condition.
3. Keep any areas you share with other people reasonably clean and safe from defects.
4. Keep insects, rodents and pests away from the property as much as possible.
5. Provide locks and keys that work.
6. Keep electrical, plumbing, heating systems and appliances in good working order.
7. Keep the property as weather tight as possible.
8. Provide garbage cans.
9. Provide adequate heat, water and electricity.
10. Provide their name and address, so you can reach the landlord when you need to.
11. Tell you if he or she live out of state. If so, he or she must give you the name of a person who lives in the same county so you can contact them about any problems or questions. This person is called the landlord's agent.
12. Provide notice disclosing fire safety and protection information.

What the Landlord Cannot Do

1. Have you sign a rental agreement for a place that is condemned or the law says no one can live.
2. Intentionally shut off your utilities.
3. Lock you in your apartment.
4. Take your personal property without your permission.

5. Enter your apartment without telling you ahead of time unless it is an emergency.
6. Try to physically remove you from the dwelling without a court order.

WHAT THE TENANT MUST DO

General Rules

As a tenant you must:

1. Pay your entire rent and pay your rent on time.
2. Keep the area you are renting clean.
3. Properly use the utilities, fixtures and appliances provided by the landlord.
4. When you leave, return the property you rented in as good a condition as when you moved in, except for normal wear and tear.
5. Follow the terms of any written agreement with the landlord.
6. Not engage in illegal activity.

Losing Your Right to Rent

If you are late paying your rent, use the rental property for illegal acts, or seriously damage the property, you can lose your tenant's rights. The landlord can give you a written notice to pay rent or move out in three days.

If the landlord properly notifies you that you have violated another part of the rental agreement, you will have to comply or move out. If you do not comply within ten days, the landlord can request that the court direct you to move out, pay overdue rent, pay late charges, and pay interest, court costs and attorneys' fees.

THE LEASE OR RENTAL AGREEMENT

In General

If you sign a written lease or agreement, be sure it states everything you and your landlord agree to. For example:

1. How long you agree to rent the property.
2. How much you are going to pay each month.
3. When you are going to pay the rent each month.
4. If there is a charge for paying the rent late.
5. Who pays the utilities.
6. Whether you can have pets or let other people live with you.

Understand the Agreement

If you do not understand the agreement, have a friend or someone else to read it before you sign. If you have questions, contact one of the local agencies listed in the back of this booklet or contact an attorney.

Changing the Agreement Before You Sign

If you do not like what the agreement says, do not sign it. Even if the agreement is typewritten, you and the landlord can cross out or add words. When you make changes to the agreement, be sure both you and the landlord put your initials next to the changes.

Agreement Longer Than a Year

If your rental agreement is for more than one year, have a notary public (someone who can witness and sign documents) observe the landlord signing the agreement. Notaries can be found at banks.

Keep a Copy

Be sure to make a copy of the signed agreement for your records.

A Month-To-Month Agreement

If you do not sign a lease or written agreement, the law says you have a month-to-month agreement. This means the landlord can change the rent or any rules by giving you 30 days' written notice. If you have a lease for a specific time and continue to live there after the lease period expires, it automatically becomes a month-to-month agreement under the same terms and conditions as the original lease.

RENTAL DEPOSITS

The Landlord's Duty

The landlord must follow specific rules when he or she asks you for a deposit or nonrefundable fee. The landlord must:

1. Give you a written rental agreement.
2. Give you a written checklist of the condition of the rental property, appliances and furnishings when you move in.
3. Put in writing that the deposit can be returned when you leave if the rental property is in good condition.
4. State in the agreement if it is a fee that will not be returned.
5. Give you a receipt and tell you which bank the landlord will put the deposit.

When You Leave

The landlord must send you your deposit within 14 days after you leave. If the landlord keeps any of the deposit, he or she must tell you why, in writing, within 14 days. The landlord may send the deposit to your last known address (i.e., the rental property), so be sure to provide your new address to the landlord and/or a post office before you move out.

REPAIRS

What the Land Lord Must Do

Tenants are responsible for damage caused, and landlords are responsible for repairing electrical, plumbing, heating, structural and other things necessary to keep the rental property in the same basic condition as it was when you rented it.

If there is a repair the landlord must make, you must put it in writing. The landlord should start to make repairs when he or she receives your written notice. Depending on the type of repair, the landlord must initiate the repair within a certain time:

1. *24 hours* – To repair heat, hot and cold water, electricity or solve a problem that is unsafe or a danger to you.
2. *72 hours* – To repair a refrigerator, range and oven or major plumbing provided by the landlord.

In the written notice, be sure to state the following:

1. Your name and address.
2. The landlord's name and address.
3. A description of the problem.

Be sure to keep a copy of the dated notice. Try to send the notice by certified mail and obtain a receipt from the post office.

What The Tenant Can Do If The Landlord Does Not Make Repairs

If the landlord does not respond to the written notice and make the repairs, you can do one of the following:

Get bids: Get two bids from a licensed repair person. Send the bids to the landlord (by certified mail). If the landlord does not make the repairs within the required time limit, you can have the repairs performed by the lowest bidder. You pay for the repairs and then give the landlord the opportunity to inspect the repairs. You can deduct the repairs from your next month's rent.

Do it Yourself: Make the repairs if the cost is not more than one-half month's rent. Provide the landlord the opportunity to inspect the repairs. You may deduct the repairs from your next month's rent. The deduction cannot be more than one month's rent.

Move Out: Give the landlord written notice that you are leaving because the repairs have not been made.

Report the Problem: You can report the problem to your local Building Department.

Escrow Rent: If the repairs are not made by the landlord and are serious, you can have your rent put in a special escrow account. To do this, you have to follow certain laws. Be sure to check on these laws with one of the agencies listed in the back, or contact an attorney.

TO MOVE OUT – TERMINATION OF TENANCY

By the Tenant

The tenant may terminate as follows:

When the Agreement Ends: If you have a rental agreement or lease for a particular period, such as six months or one year, you may move out by the last day shown on the lease. Unless the lease

requires it, you are not required to move out and if you stay you will automatically be on a month-to-month tenancy.

Give Notice of Termination: If you have a month-to-month tenancy, the tenant must provide written notice 20 days before the end of the month.

Be Careful: If you move out before your lease expires, or without giving the appropriate notice, you may be responsible for paying rent until the lease expires or until the landlord finds a new tenant.

By the Landlord

The landlord may terminate as follows:

Give Notice: Under a month-to-month tenancy, the landlord must give you 20 days written notice to move out. In many cities, the landlord does not need a specific reason for asking you to leave.

By Agreement: If both of you agree that you can move out before the lease expires or before the end of the rental period.

Other: If you violate the rental agreement, do not pay your rent, destroy property, cause a nuisance or perform illegal acts.

EVICTION

The landlord cannot physically remove you or lock you out of your rental place. He or she must follow certain procedures.

Provide Notice

Provide written notice explaining the basis for the eviction. The notice will provide a certain amount of time to correct the problem or move out.

Take You to Court

The landlord must file a court action to order you out. This is called an unlawful detainer action. If the court orders your eviction, you may have to pay any rent you owe, attorneys' fees and court costs. Contact an attorney immediately.



Chapter 4: Your Money & Your Credit

David applies for a credit card in order to help his cash-flow problems. Everything was going well until he told the bank officer his address. She refused to give him a credit card because he lived in subsidized housing and was, therefore, a credit risk. David was forced to get a credit card from a different company that charged higher interest and fees. But that did not end his problems. His wallet was stolen and the thief used his credit card before David could contact the credit card company. Now the credit card company says David owes them \$5,000 for the goods the thief charged.

SALES CONTRACTS

When You Can Expect To Sign A Sales Contract

A major purchase such as a car or stereo often cost more than you can afford to pay at once. Often these purchases are on credit where you promise to pay later for an item you receive today. You will usually have to pay for the credit by paying additional money, called interest.

A Sales Contract

A major purchase where you do not pay the full price for the item at the time you buy it will usually mean you sign something called a sales contract or retail installment sales agreement. This is a written contract between you and the store stating all of the terms and conditions of the agreement between the two of you, such as price, interest rate and monthly payments.

Read the Contract

Never sign a contract until you read it completely. Be sure you understand everything in the contract. Ask the salesperson questions about everything you do not understand. Make sure all the blanks are filled in and get a copy of anything you sign.

Changing the Contract Before You Sign It

You can change a contract so that it says what you want to agree to. You can cross out, change and add statements. Be sure both you and the salesperson initial any changes you or he or she make.

Repossession

If you sign a sales contract you are probably agreeing that if you miss payments, the store can take back or repossess the item. The store can take your car from a public place without advance warning. However, the store may not use force or otherwise breach the peace in repossessing your goods.

The Better Business Bureau

The Better Business Bureau can be a valuable resource to help you if you have a problem with a sales contract and you are having trouble with a store. You may also consider contacting an attorney. If the store involved is a member of the Better Business Bureau you may be able to use the Bureau's arbitration service. Arbitration is different from going to court and is often a faster and less expensive way to resolve problems.

WARRANTIES AND REMEDIES FOR PRODUCT DEFECTS

A warranty is a guarantee or a promise that an item is what it looks like it is and for a fixed time will be usable in the way intended to be used. A warranty should be in writing and include any promises the salesperson or the manufacturer is making about the product. Have a salesperson write the warranties down so you have proof of them.

How Warranties Work

Most warranties will tell you how to get service from the manufacturer if the item does not work properly and the store will not or cannot fix it. The warranty will tell you how long the item will be repaired for free. Before you are sold a product, the salesperson must tell you of all warranties and limitations that apply to the product. Some basic warranties are implied by law and do not have to be written down and may apply even if the seller specifically disclaims them.

“As Is”

Always read any special attachments to items you purchase, and watch for the phrase “as is” or similar language. This means that the store and the manufacturer are not making any promise as to the condition of the item and there are no warranties for the product. This means you have no right to receive repairs or return the item if it is defective. Any “as is” disclaimer must be clearly written.

Lemon Law

The Washington State “Lemon Law” is good news for anyone who buys a car that is less than a year old. The Lemon Law states that if the car breaks down a lot and the dealer cannot fix it, the dealer will be required to take action to fix the situation. Call the Washington State Attorney General’s Consumer Line for assistance.

Product Liability Law

Washington State has a product liability law that may help you if you are injured or your property is damaged because of a defective product. Ask the Attorney General’s Consumer Line or a lawyer for assistance.

Good Faith

A merchant has a duty to act in good faith. If you were misled or deceived into buying a product that caused you to lose money and the defective conduct has the potential to be repeated, you may be able to recover full damages, attorneys’ fees and possibly up to three times the amount of damages incurred up to \$10,000.

CREDIT

What It Is

Credit means you agree to pay later for what you get now. Signing a sales contract or retail installment sales agreement means you are using credit. Everyone has a right to credit subject to your ability to later pay in full for the item you purchased. You cannot be denied credit because of your race, sex, color, religion, national origin, marital status, age (unless you are under 18) or because you receive public assistance.

Interest Rates

When you apply for credit you have the right to know how much that credit will cost in interest and whether there are any other charges. There is a maximum legal interest rate the lender can charge and the rate is set by federal and state law. If you feel you are being charged too high an interest rate, contact the Attorney General's Consumer Line or an attorney.

Denial of Credit

You have a right to know why you are denied credit. See below for information on how to order a credit report.

CREDIT CARDS AND BILLING ERRORS

What Are Credit Cards?

Credit cards identify you and your account number to a merchant. If your card is lost or stolen, you should immediately call the bank, store or company that issued the card to avoid having to pay for charges made by the person who stole your card. Keep a list of all cards and numbers in a place separate from your cards so you can notify these companies quickly. If you promptly notify the bank or store that your card was lost or stolen you will not have to pay whatever the person who stole your card charged to your card.

Debit and ATM cards have slightly different rules when they are lost or stolen. If you do not report the loss of an ATM or debit card within 2 days of discovering that it is missing, you may be liable for up to \$500 if there have been unauthorized transfers. It is important to promptly notify your bank in the event your ATM or debit card is missing.

Billing Errors

Your bill for your credit card can be confusing and sometimes incorrect. You have the right to make a correction or to receive an explanation in a timely manner. Often you can call the company and have the problem solved. If a phone call does not solve the problem, you must write the bank or store.

What to Do

You must notify the lender of any error in writing within 60 days of the date on the bill which has the error. State your name, address, account number and describe the billing error. The lender has 30 days to acknowledge your letter and 90 days to correct the error or explain why it thinks the bill does not need to be corrected. Until the problem is resolved, you do not have to pay the disputed amount. If the bill is incorrect, the lender must give you a written explanation of how the bill will be corrected and remove all late and finance charges related to the error. If the bill was correct, you must be notified in writing and must pay all late charges.

If you feel the bill is still in error, notify the lender within 10 days and the case will remain in "dispute." The lender can begin collection action but your credit report must state that the bill is in dispute until the dispute is resolved. Usually you will have to solve your problem by going to court.

CREDIT RATINGS AND CREDIT REPORTS

Credit Bureaus Keep Records

Private companies (called credit bureaus or credit reporting services) keep records on how well and timely you pay your bills, and sell the information to banks, finance companies and other potential creditors. Your potential creditors look at this information to determine whether you are a good or bad credit risk. If you are married, the credit bureau will have a separate rating for both you and your spouse. Records cannot include information on your marital status, race, color, ancestry, ethnic origin or political affiliation.

How to Get Your Credit Report

Under federal law, consumers are entitled to order one free copy of their credit report from each of the three nationwide reporting companies every 12 months. The companies are only providing the free annual credit reports through a centralized system. You can order reports at: www.annualcreditreport.com, or by calling 877-322-8228, or by sending a written request for to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. If you need additional credit reports, you will be charged a fee.

When you receive your report and you find an error, you should notify the bureau in writing and it must reinvestigate and correct the errors. If the bureau notifies you in writing that it believes it is correct, you can send a written response explaining your position. The bureau must keep your response in its file. You can also ask for the names of persons and companies who have asked for copies of your credit report.

BANKRUPTCY

In General

There are three types of bankruptcy proceedings which are available to a person filing bankruptcy (the “debtor”): Chapter 7, 11, or 13. To begin any of these three types of bankruptcy, you file certain documents with the appropriate bankruptcy court, including a petition and schedules listing your assets and liabilities. You must also pay a filing fee.

A Chapter 7 bankruptcy proceeding is sometimes referred to as a liquidation bankruptcy. Shortly after filing, a trustee is appointed to sell your nonexempt property (property you are not allowed to keep) and pay your creditors.

A Chapter 11 proceeding is often referred to as a reorganization. In contrast to Chapter 7, a trustee is not appointed at the beginning of the case; however, parties may request that the court appoint a trustee. You are responsible for your assets and liabilities in the case. In a Chapter 11, you will usually file a plan of reorganization, stating how you intend to use your assets to pay your creditors.

A Chapter 13 bankruptcy proceeding is for wage earners. To be eligible to file a Chapter 13 petition, you must have a regular income and your debts cannot exceed established limits. You must file a plan, which includes a list of your monthly income, expenses and payments to your creditors. The plan should reflect your best effort to repay creditors. Your employer will send your paycheck to a Chapter 13 trustee who will pay your monthly bills.



Chapter 5: Freedom To Express Yourself

THE CONSTITUTION

Bill of Rights

Most of our basic rights stem from the first ten amendments to the Constitution of the United States, also known as the Bill of Rights. The first of these amendments (the First Amendment) states in part:

“Congress shall make no law ...abridging the freedom of speech or of the press...”

The Washington State Constitution also protects freedom of speech and, in some cases, grants greater protections than the First Amendment. The Washington State Constitution provides:

“Every person may speak freely, write and publish on all subjects, being responsible for abuse of that right.”

DEFINITIONS

Freedom of Speech

Freedom of speech means the freedom to say what is on your mind. It also means the freedom to express ideas in other ways, including writing, acting, performing music, communicating through sign language, painting pictures and gathering in groups. This is why freedom of speech is often referred to as freedom of expression. This is a powerful right.

Other Types of “Speech”

Writing letters to a newspaper, sending e-mail or talking to a stranger on a street corner about current events are all forms of free speech. No government official may tell you what you may think or say or restrain you from communicating your ideas, except in a very few limited situations.

RESTRICTIONS

Defamation, Privacy and Obscenity

The law in America goes a long way to protect freedom of expression but there are a few restrictions. If you say something about another person that is untrue and damaging, that person may be able to sue you for **defamation** (also called libel). You may also be sued for publicizing true information about private matters, if it is “highly offensive” and not a subject of “legitimate”

public interest. Obscene speech is not protected under the First Amendment. Neither are “fighting words,” which are spoken in such a way as to provoke a fight.

Restrictions On Speech In High School

To what extent may teachers and other school officials regulate what students speak and write at school? Because public schools are an arm of the government, he or she too are subject to the First Amendment. Nonetheless, schools may place some restrictions on student speech.

Case Example

In 1988, the United States Supreme Court ruled that school officials could regulate the style and content of school newspapers, plays and “other school sponsored expressive activities,” if the regulation was reasonably related to legitimate educational concerns. In that case, a high school principal had removed some articles about pregnancy and divorce from a newspaper written and edited by a journalism class. The principal was concerned that references to sexual activity and birth control in the pregnancy article were inappropriate for the school’s younger students. The principal was also concerned that both articles revealed information that would embarrass certain students and their family members. The Supreme Court ruled that the principal could lawfully remove articles, reasoning that schools may restrict student speech in school more than government may restrict the rights of citizens generally. The Court said that schools have especially wide latitude to censor student speech in newspapers and other activities sponsored by the schools themselves.

Restrictions In “School-Sponsored” Activities

The result of this case is that teachers and other school officials may impose reasonable restrictions on student speech that occurs in school-sponsored activities. However, as the law now stands, schools do not have the right to censor speech that simply occurs at school but is not associated with school-sponsored activity, unless that speech threatens to disrupt class work, create disorder or invade the rights of others.

What About The Internet?

The law is beginning to address the disputes involving computer networks. Some types of expression such as obscenity are unlawful no matter how they are published. The most personal part of free speech is the thinking that underlies it. What is the point you want to make? The Constitution teaches respect for widely different viewpoints. The exercise of free speech involves responsibility.

You Are Responsible For What You Say

Always remember that you will have final responsibility for what you say, write or otherwise communicate. If what you print is untrue and damaging to someone’s reputation, you could be required to pay damages to that person.

SPEECH AND ACTION

Speech vs. Action

The law distinguishes between speech and action. It is a proper exercise of free speech to talk about revolution and violent acts. But, if you combine your revolutionary speech with action, you may be charged with violating the law. It is one thing for an angry citizen to say, “The Governor ought to be tarred and feathered.” It is quite another to say that to an armed and angry

mob gathered outside the State Capitol. If you want to make a bold statement and have concerns about whether your conduct is legal, you should seek advice beforehand. The American Civil Liberties Union can be a good place to start.

FREEDOM GENERALLY

The Open Exchange of Ideas

Freedom of speech protects our right to say things about government as well as about one another. In a free, open society people who speak their minds will sort through ideas, choosing good ones and rejecting bad ones. Justice Oliver Homes called American free speech the great marketplace of ideas.

The Constitution, Freedom and Democracy

The United States government is the longest, continuous democracy the world has ever known. It rests on freedom. The Constitution protects many freedoms, among them the freedom of religion, freedom of assembly and freedom from unreasonable government intrusion. Without freedom of speech, it would be impossible to protect any of our freedoms. As long as people speak their minds, talk with whomever they want, examine and believe in their own individual ideas, and care enough to protect their rights, freedom is alive.



Chapter 6: Crimes

HOW DO I AVOID GETTING ARRESTED?

Use Common Sense

The best way to deal with the criminal justice system is to avoid it. Use common sense and steer clear of trouble. Do not let people talk you into doing things you believe are wrong. If you drink, do not drive. Stay away from drugs. If you feel you are being drawn into a dangerous situation, ask for help. You may think you are only on the edge of trouble, but you may quickly find yourself in the center of it. If you do become involved with the police, stay calm, be polite but firm, and immediately ask for a lawyer. Laws have become complicated, but common sense is still your best shield against involvement in the criminal justice system.

Accomplice

If you help someone commit a crime, you are an accomplice and you are also committing a crime. If you knowingly buy something that has been stolen, you are committing a crime. If you knowingly ride in a car that the driver is using without permission, you are committing a crime. The law may subject you to the same possible punishment if you assisted in any way, however small.

WHICH COURT WILL HANDLE MY CASE?

Juvenile

If you are under 18 at the time you are charged with the crime, your case will usually be handled in the juvenile court system. The juvenile system has many advantages, such as shorter sentences and a greater chance to avoid jail. In juvenile court you have Constitutional rights and protections of an adult, but you are not provided the right to a trial jury. Trials in Juvenile Court are held before a judge. You have the right to be represented by a lawyer, and one will be appointed for you if you cannot afford to hire one. Never give up the right to have counsel represent you.

Diversion

If your trouble is a misdemeanor, you do not have a significant criminal history, and you are a juvenile, you may have the opportunity to have your case resolved with a diversion. Some diversions are handled by a diversion committee, made up of volunteers from your community. Other diversions are handled in the juvenile court, with the judge overseeing the terms of the diversion. If you successfully complete a diversion agreement, which may include community service hours and/or educational classes, your case may be dismissed. This is a great benefit, as it would allow you to state honestly on a job or military application that you have no convictions. Your lawyer can tell you if you can have your case handled with a diversion.

Exceptions

If you are charged with a traffic offense, such as hit-and-run or DUI, you may be treated as an adult. This is because driving is considered an “adult” activity. If you are charged with a

very serious crime, such as murder or manslaughter, the court may hold a hearing to decide if you should be tried as a juvenile or an adult, and your case may eventually be transferred to “adult” court.

Adult

Once you turn 18, you will be tried as an adult. If you are charged with a misdemeanor, you will be tried in municipal or district court. If you are charged with a felony you will be tried in superior court (see the section on court procedures). You have a right to a jury trial in any criminal matter, and you have the right to have representation by an attorney. There are many ways that a charge can be resolved in court. Some cases can even be dismissed after certain conditions are met, just as in a diversion agreement. An attorney can advise you when this is a possibility for you. No matter how big or small the charge is, never represent yourself in these matters.

WHAT ARE THE DIFFERENT TYPES OF CRIMES?

Traffic Offense

A traffic offense is one relating to your driving. Most traffic offenses, such as speeding or failure to stop at a stop sign, are civil infractions, handled through a citation and fine system. You can also contest these matters and have a ‘mini-trial’ before the judge.

However, some traffic offenses are criminal offenses and will be treated just like any other crime. Some examples are driving without a valid driver’s license or with a suspended license, driving while intoxicated, and hit-and-run. These crimes can result in a suspension of your driver’s license, they can cause your insurance rates to rise, and result in a criminal record. Each involves possible jail time and heavy fines. Sometimes the jail sentence is mandatory . . . For example, if you are convicted of a DWI, state law requires that you spend at least one day in jail. Avoid all that by obeying the law. Be a safe driver.

Misdemeanor

Misdemeanors are criminal offenses which carry no more than a maximum of a year in jail. Felonies carry jail time of more than one year, and are considered much more serious. In Washington, if you are charged with a misdemeanor, you may either be cited and released immediately or you may be taken into custody. If you are cited, the police officer will issue a ticket or citation. Your signature on the citation is not an admission of guilt, but it is your promise to appear in court when you are notified to do so. If you fail to appear in court at the appointed time, a warrant will be issued for your arrest. Examples of misdemeanors include shoplifting, being under 21 when in possession of alcohol, trespassing, driving while intoxicated and possessing less than 40 grams of marijuana.

Felony

Felonies are the most serious offenses. Felonies include such burglary, robbery, forgery, sale of illegal drugs and possessing drugs such as crack, cocaine or more than 40 grams of marijuana. If you are suspected of committing a felony, the police will probably arrest you. If arrested, you should immediately ask to talk to an attorney and refuse to say or sign anything until you do so. If you are convicted of a felony, you will often face time in jail or prison, and will lose your right to vote and your right to possess a firearm.

WHAT HAPPENS WHEN I AM ARRESTED?

In General

People are arrested every day, sometimes for crimes he or she did not commit. Mistaken identity may result in an arrest. Being with others who have broken the law may result in being arrested. Being arrested is very serious and can lead to severe consequences even if you are innocent. Therefore, it is important to understand and exercise your basic rights.

Your Rights

When you are arrested you should be read your rights (also known as “being Mirandized”). Listen carefully. It is important that you truly understand your rights - do not say you understand just because you have heard them recited on television and movies. Question the police officer about your rights and always ask for a lawyer.

Do Not Resist

If the police stop you for any reason, never resist or run away – these actions are often viewed as separate crimes. Running away from the police may also be evidence of guilt. When you resist or run, you also risk being physically restrained or hurt and you risk being fired upon.

WHAT RIGHTS DO I HAVE? – YOUR MIRANDA RIGHTS

Remain Silent

“You have the right to remain silent.”

It is not always easy to exercise this right. Most of us feel we must say something if we are confronted by a police officer. You have to give your name, address and other identifying information. But you do not have to answer questions or make statements about the matter for which you are being arrested. The police may tell you that if you do not make a statement or explain what happened he or she will take you to jail. He or she may in fact do so. But you will usually be better off in the long run if you politely refuse to answer all questions and ask for a lawyer. Remember, an oral statement is the same as a written statement.

“All Statements can and will be used against you in court.”

The fact that you do remain silent cannot be used against you in court.

Speak To an Attorney

“You have the right to talk to an attorney before and during any questioning. If you want an attorney and cannot afford one, one will be appointed for you.”

Ask for a lawyer immediately after you tell the police officer your name and address. Keep asking until you are given one. If you are taken into custody, you have the right to make a phone call in order to contact a lawyer. If you do not know a lawyer to call, ask for contact information for the public defender who is “on call” – there must be a public defender provided to anyone who has a right to counsel, no matter if you are arrested at 3:00 in the morning. Anything you tell your lawyer is strictly confidential, and your lawyer cannot be forced to disclose the information to anyone – not even your parents – without your permission. Listen carefully to the advice of your lawyer. Keep asking questions until you fully understand everything. Remember, you will have to live with the decisions that are made.

WHAT WILL HAPPEN WHEN I GO TO COURT?

Arraignment

If you are arrested and taken into custody, you have the right to be taken before a judge within 72 hours, not counting weekends and holidays. If you are not arrested, you will receive a notice of your first court date either on the citation or in the mail. At your first court appearance you will be informed of the exact charges against you. You should have a lawyer with you, if possible. If not, ask the judge to appoint an attorney for you. You would have to “qualify” for a public defender, by earning below a certain level of income. You should always plead “not guilty” at the arraignment, so that you have time to discuss the case with your lawyer.

Second Court Appearance

At the arraignment, you will be given notice of your next court date. It is important to consult with your lawyer in the meantime. Before this second court appearance, you will need to discuss your case with your lawyer and decide whether to have a trial or change your plea to “guilty.” If you plead guilty, you may be sentenced right then, or you may come back another day to be sentenced.

Do Not Miss Court

Be sure to attend every court date. Be on time and dress neatly. If you do not show up, a warrant for your arrest will be issued and you might be picked up when you least expect it (and when it is most inconvenient for you) and put in jail. If you do miss a court date, call your lawyer immediately.

WHAT IF THE POLICE WANT TO SEARCH MY HOUSE OR CAR?

Search Warrant

If the police come to question and arrest you at home, in a hotel room or other private place, you do not have to permit them to enter unless he or she shows you a warrant. You do not have to invite them in without a warrant. If he or she says, “We can get a warrant,” politely tell them he or she should do so. If an officer presents a search warrant to you, read it carefully, looking for three things:

1. Check that the address is correct (occasionally police officers make a mistake and try to search the wrong place);
2. See if the warrant shows a judge’s name and signature; and
3. Check to see what the police are searching for.

Improper Search

If presented with a warrant, you must allow the officer to enter. A judge can decide later whether the search was proper. You should never try physically to prevent a search. Stay calm, do not resist and say as little as possible.

Search of Car

If you are stopped in your car and the police ask permission to search it, you may also say no and ask them to obtain a warrant. In some situations, the police do not need a warrant to search your car. If you do not consent to the search and the police search anyway, a judge can decide later whether the search was proper.

No matter how or why you become involved in the criminal law system, remember to stay calm and be polite.



Chapter 7: Your Spouse & Children

Alex and Alicia met at a dance. He or she went out a few times and things got serious. A few months later, Alicia told Alex that she was pregnant. She loved Alex and wanted to get married. Alex liked Alicia, but he had other plans. “If you want to have the baby, it’s your choice,” Alex said. “But don’t expect me to support you.” Several years passed. Now Alex is in his third year at the university. One day when he returned to his apartment, he was served with a Summons and Petition to Establish Parentage and a request for child support.

Alicia has not been able to support herself and the baby, so she applied to the state for financial assistance. The state gave Alicia the assistance but now wants Alex to pay it back. The state is asking the court to order Alex to pay \$450 per month as child support until the child turns 18. It also wants him to repay the state \$15,300 for previous child support and Alicia’s expenses during her pregnancy.

PARENTS RIGHTS AND RESPONSIBILITIES

You Must Support Your Children

The state used to support children whose parents did not provide for them. The state is now taking a much harder line: If you have children, you must support them, whether you are the mother or the father, and whether you are married or not. It is your legal and moral obligation, and the state will enforce it.

The State Has Several Ways of Collecting Both Current And Past Child Support

The state can get a court order making your employer deduct it from your paycheck. The state can also make you appear in court and can get a judgment against you. This judgment will remain on your record and become a part of your credit history. The state may also have the child support taken out of your federal income tax refund.

The State Must Use the Washington State Child Support Guidelines

The state will determine the child support award by considering the income of both parents and the ages of the children. If you are the parent who is not providing financial support, it is very important that you cooperate by giving the state your income information, such as tax returns and pay stubs. If you do not provide this information, the state may set your child support obligation higher than you can afford.

If you are not employed, or not working full time, the state may “impute” income to you. This means that your payment will be based on income figures from the Bureau of the Census for individuals of your age and gender. The state cannot make you get a job, but your income may be imputed if you are found to be voluntarily unemployed (choosing not to work) or voluntarily underemployed (choosing only to work part-time).

Call the Washington State Division of Child Support

If you have a child and the other parent will not help support it, contact an attorney or the Washington State Division of Child Support (“DCS”). DCS or an attorney can help you file a claim to make the other parent contribute. If your boyfriend denies that he is the father, an

attorney can help you get a legal judgment that he is the father and therefore has a duty to help support the child. This is called a paternity determination. Through a paternity action, the court can also make an order stating how much visitation the other parent will have. Generally speaking, the parent who has provided the majority of the child's care will be named the custodian. However, the other parent may also have visitation rights with the child.

You have these rights – to the determination of paternity and enforcement of child support – whether your baby resulted from a marriage, a brief relationship or a single encounter.

MARRIAGE

Legal Requirements

There are a few legal requirements you must follow in order to get married in this state. To get married you must apply to the county auditor for a license and pay a fee. You must be at least 18 or have the written consent of your parent or guardian. If you are under 17, you must also have the consent of a Superior Court judge. Witnesses, medical examinations, blood tests and identification papers are not required when applying for a marriage license in the State of Washington. After applying for your license, you must wait three days before you can get married. The license may be used anywhere in the state, but it will expire if not used within 60 days.

Ceremony

You may choose a civil ceremony in front of a judge or a religious ceremony. No matter what kind of ceremony it is, remember that you are making a contract.

State Involvement

For the most part, the state does not interfere in your married life. You can work out whatever arrangements you want as to who supports whom, how you divide the responsibilities for work and household chores, and what you do in your bedroom. But the state is involved in certain areas of your marriage. For example, under state law, the money you make and most of the things you buy after you are married belong not just to you, but also to your husband or wife.

HOW A MARRIAGE AFFECTS PROPERTY

As long as you are married, you probably will not care who owns what in your marriage. But if you separate, it will suddenly become very important whether the car you bought with your wages belongs to you alone or to both of you.

Community Property

In Washington state, a husband and wife (each is called a spouse) no longer has a duty to support the other spouse. The state assumes that people are able to support themselves. However, the law also recognizes that a spouse who does not work or who earns less still makes an important contribution to the household, and therefore has a right to share in the other spouse's income. For this reason, the money you and your spouse earn during your marriage, and everything you buy with that money, belongs equally to both of you. This is called "community property." The only things not considered part of community property are things you owned before your marriage, gifts made to you alone, and things that you inherit. These are called "separate property." If you want to protect your separate property, do not mix it up with the

community property. For example, if your grandmother leaves you money, do not put it in your joint banking account unless you are willing to share it with your spouse.

Agreements Regarding Property

You and your spouse may make a written agreement to change separate property to community property, and vice versa. (It is especially important that the agreement includes a list of all property that each spouse owns and all of each spouse's debts). For your protection, make sure each of you have an attorney review it. In general, these property agreements are enforceable. This can come as a shock to the person who signed the agreement while in a loving relationship, but who is now separating from a partner and has lost property so generously given away.

DOMESTIC VIOLENCE

State Protection

The state protects both adults and children from abuse in the home. If your spouse or companion is hurting you or your children, help is available. You may ask the court for a protection order to stop the abuse or, if criminal charges are filed, for a "no-contact" order, both of which can prevent the abuser from coming near you or your children. If a violent incident is taking place, your first step should be to call the police. It used to be that some police officers called to the scene of domestic violence treated it just as a marital "spat" and left the couple to work things out for themselves. Now, the law requires the police to take such reports seriously. In fact, if the police come to your home and have reason to believe there is violence, he or she can arrest the abuser.

Protect Yourself

Many abuse victims are afraid to call the police for fear of angering the abuser and making things worse. Many abusers try to blame their actions on some behavior by the victim, or they genuinely regret their actions and promise not to hurt their spouse or partner again. There is no excuse for physical violence. Unfortunately, abusers rarely stop without getting professional or legal help. Getting the legal system involved may be the best way of making the abuser face the problem and deal with it. It may also be the only way to protect yourself and your children. Refer to the phone numbers at the end of this booklet.

CHILDREN

Parents' Rights and Responsibilities

You have great freedom in raising your children. You may choose where they go to school, whether and where they go to church, and whether they eat candy bars or protein bars. But you may not choose to neglect or abuse them. If you leave your child alone for too long or do not get your child necessary medical care, you may be reported and found guilty of neglect. If this happens, your child may be taken away from you until the court decides your child is no longer at risk. This can also happen if the court finds someone else has been abusing your child with your knowledge. However, if the court attempts to take your children away from you, you will be entitled to an attorney. If you believe someone else is hurting your child, you should contact the police or Child Protective Services immediately.

Support Services

The state recognizes that raising children can be stressful, especially for young parents. As a result, there are many support services, including parenting classes, available if you feel you need help with the stresses of raising your children. A call to World Association for Children and Parents is a good place to start. The number is in the back of this booklet.

DIVORCE

Petition for Dissolution

If you and your spouse have serious problems getting along and cannot resolve your differences, either one of you may ask the court for a divorce, which in this state is called **dissolution**. It does not matter who is at fault. The court will grant a dissolution if you state that your marriage is irretrievably broken, or, in other words, that you believe there is no chance you will get back together.

Procedure

The procedure for getting a dissolution is straightforward, but becomes more complicated if you have children or if you and your spouse cannot agree on how to divide your property and debts.

1. You must first file a petition and summons at court. You must arrange for copies of the documents, including any that the clerk gives you, to be served on your spouse. You cannot serve the copies yourself.
2. If you have children, you will have to file a proposed Parenting Plan with the court. This plan requires a lot of thought and must be based on your child's best interests. The plan must indicate where you intend your children to live, how much time they will have with their other parent, and how you propose to divide your parenting responsibilities.
3. After you file and serve notice of your dissolution petition, you must wait at least 90 days before the **divorce** becomes final. During that time, you and your spouse should try to work out how you will divide your property, your debts and any parenting responsibilities.
4. You may need the court's help in establishing a temporary parenting plan, child support and a plan to pay your bills. You may also need temporary restraining orders that prohibit one or both of you from bothering the other spouse or involving the children in the divorce or from hiding any property. In that case, you need to prepare to file a motion for temporary relief, with proposed child support worksheets, a proposed parenting plan, and a written explanation (called a declaration) of the basis for your requests. When you file documents with the court, you must give your spouse between 6 and 14 days notice of the motion. You must give your spouse copies of every document you file with the court. Keep a copy of the documents that prove your spouse was served with the papers with enough time before the motion. If your spouse disagrees with your requests, he or she can file a written **answer** and serve you with a copy of the response. You may then file a reply. Each county has different rules regarding what needs to be filed and how much time you must give the other side. Check the local court rules or talk to an attorney for guidance. The hearing will be brief. The judge will make a ruling on your request and it will

become part of the court record. The parties must abide by the court's decisions unless the court modifies its ruling. If the parties agree in writing to something different than what the court ordered, the court may modify its ruling. Be sure that if you do work out an agreement with your spouse that you get it in writing and have the judge sign it. If you do not do this, you may be violating the court's orders and could be fined.

5. If, at the end of the 90-day period, you and your spouse have reached agreement on all of the issues, you can prepare a Decree of Dissolution, the Findings of Fact and Conclusions of Law, and, if there are children, the Parenting Plan and Order of Child Support. Once you have both signed these documents, one or both of you may go to court to present these papers to the judge.
6. If the court decides the documents are complete, that your agreement is fair, that the children's needs have been provided for, and that your marriage is irretrievably broken, then a judge or commissioner will sign the documents and grant your divorce immediately.
7. If you have not reached an agreement on all of the issues, then you should consider hiring an attorney and scheduling a meeting with a qualified mediator or arbitrator. If you are still unable to resolve your differences, then the court will decide these issues for you at trial. Trials can be expensive and upsetting. If you go to trial, you must understand that the final decision is up to the judge; you and your family must abide by the court's ruling.

CHILD SUPPORT AND CUSTODY

Custody

When couples get divorced, or when unmarried couples separate, they must decide with whom their children will live, and a court must approve that decision. If the parents do not agree, the court will decide for them. Under current law, the parent with whom the children spend most of their time is called the primary resident parent. It used to be said that this parent had custody.

Support

In addition to approving the children's living arrangements, the court will review the amount of child support specified in your agreement or divorce decree to see if it meets the state guidelines. If it does not, the judge or commissioner may increase or decrease the amount as appropriate.

Child's Best Interests

The judge in a dissolution proceeding must do whatever is in the child's best interests. The judge can decide it is in the child's best interests to make the father the primary caretaker, and require the mother to pay child support. The judge can limit one parent's contact with the child if there is evidence of certain behaviors such as domestic violence, kidnapping or drug or alcohol abuse. In most cases, the judge will allow both parents to participate in the child's upbringing.

It is very important that both parents carefully follow the parenting plan and child support orders. If there is a dispute, a court will make its decision based on the language in the orders, even if the parents had an agreement or understanding.

BIRTH CONTROL AND PREGNANCY

Birth Control Information and Devices

You may obtain birth control information from Planned Parenthood offices or family planning clinics located throughout the state. Under current law, you may obtain birth control information devices even if you are under age 18.

Pregnancy

If you think you might be pregnant, you can obtain pregnancy testing and counseling from Planned Parenthood, World Association For Children and Parents, or other agencies. These agencies will provide you with information and counseling regarding pregnancy alternatives. They may refer you to a competent physician for appropriate medical care and to other agencies that may provide financial and housing assistance, baby clothes, cribs, and other necessities.

FAMILIES AND THE LEGAL SYSTEM

In General

Our laws provide a system to protect people's rights and enforce their responsibilities. This is especially true in the relationships between married persons or between parents and their children. In order to protect one person, the law may have to restrict another. If you have a problem involving your rights and responsibilities as a spouse, parent and child, help is available through the legal system. If you need help, the phone numbers at the end of this booklet are a good place to start.



Chapter 8: Your Day In Court

THE CIVIL COURT SYSTEM

Non Criminal Cases

The civil court handles all civil (i.e. non criminal) cases.

Several Different Civil Courts

If you file a suit or are sued, you will likely end up in one of several different civil courts, depending on the amount of money and the types of claims involved. The different courts are explained below.

IF YOU NEED TO SUE

Make Sure you have Time and Money

Lawsuits can sometimes take years to resolve and can be very expensive. For that reason, most people try to work out their disputes instead of going to court. In some situations, however, suing may be the only way to protect yourself. For example, you may be seriously hurt in a car accident in which the other driver is at fault but will not admit it or will not pay your hospital bills.

Do It Promptly

If you want to sue someone, you must do it promptly. There are time limits for bringing each type of crime. In some cases the time limit may be only a few months. A lawyer can tell you what the time limits are for your claim.

Consult a Lawyer

In addition to helping you with the time limits, a lawyer can help you in many other ways. At the initial visit, your lawyer can advise you about the strengths and weaknesses of your case, what court to sue in, and potential costs.

IF YOU ARE SUED

Do Not Ignore It

Filing a summons and **complaint** starts all civil suits. If you receive one of these legal papers, do not ignore them! The papers will tell you when you must respond. If you do not respond in time, the person suing you can get an automatic judgment against you. You will lose without even getting to tell your side of the story! If you get served with papers, you should contact a lawyer right away. Ask your friends and family for recommendations, or call the lawyer referral service for your county. Some lawyer referral services are listed in the back of this booklet.

Review Your Insurance

Almost all claims involving automobiles will also involve insurance. However, insurance coverage may be available for other types of claims. For example, a claim by someone injured in a fall in your apartment may be covered by renters' insurance or your parents' homeowners' policy. Gather all copies of insurance policies and take them to your meeting with your lawyer.

IF YOU CANNOT AFFORD A LAWYER

Talk to a Lawyer Anyway

If you think you cannot afford a lawyer for the whole case, you may consider paying for at least half an hour of a lawyer's time. Many lawyers will give half an hour's advice for free. In some circumstances (such as a personal injury case) you may even be able to get free legal help with your whole case. A lawyer referral service can tell you whether your case might be the type for which free legal advice is available and where to go to find it.

DIFFERENT TYPES OF COURTS

Trial Court vs. Appellate Courts

Every state in this country has two separate but related court systems: the federal court system and the state court system. In each of these two systems, there are two basic types of courts: **trial courts** and appellate (or appeals) courts. Trial courts and appellate courts have very different purposes and procedures.

1. **Trial Courts** – *Decide the facts and apply the law.*

In a trial court, the judge's (or jury's) duty is to decide the facts and apply the law to those facts. In trial court, each side can present witnesses and physical evidence such as papers or photographs. The judge or jury will then decide what really happened and what the legal consequences are. If you believe that decision is wrong, you can ask an appellate court to review the decision. This is called an **appeal**.

2. **Appellate Courts** – *Decide whether the law was applied correctly.*

Appellate courts usually do not reconsider factual questions; they will look only to see whether the trial court made a mistake in applying the law. There are no juries in appellate court, only judges. Further, because the appellate court does not reexamine factual questions, witnesses and evidence are not allowed in appellate courts; the appellate court reviews the trial court record and only the lawyers get to argue.

Example: Assume that a neighbor sues your parents, claiming that last year (when you were 17), you negligently hit a baseball through the neighbor's basement window, which happened to be antiqued stained glass and cost \$1,000 to replace.

- A. At trial, the judge or jury must decide such issues as whether it was you or someone else who hit the baseball, whether you were negligent, and whether the window was in fact worth \$1,000. These are factual issues. If your parents lose, he or she usually cannot ask the appellate court to reconsider these factual issues.

- B. Your parent may ask the appellate court to reconsider the legal issues. One legal issue in this case would be whether parents could be held responsible for property caused by their minor children.

WASHINGTON STATE COURTS

Different Types of Courts

In the state system, there are several different types of trial courts: small claims court; municipal court; county district court; and superior court. In some situations, the superior court can also act as a court of appeal; for example, you can **appeal** a small claims court decision to superior court.

Small Claims Court

Any money claim for \$4,000 or less may be brought in a small claims court. This court is much cheaper and faster than any other court. Lawyers cannot represent you here and the procedures are less formal. It usually takes less than four months to get a hearing. If you need to collect a debt, or recover damage for your computer, small claims court may be for you.

1. Before bringing a case in small claims court, you should determine where the **defendant** lives and file your case in the small claims court with responsibility for that area. The court will assign you a hearing date when you file your complaint.
2. When you appear for a hearing in small claims court, bring witnesses, papers (including records, receipts or contracts) and photographs to support your claim or defense. You may question the witnesses and show the documents to the judge to prove your point. After the judge has heard both sides, he or she will announce the decision. This is the judgment. You should get a written copy of it from the court clerk.

Municipal Court

A municipal court deals with violations (both civil and criminal) of city ordinances. The most common example is a traffic violation. Most people appear in municipal court without a lawyer, but if the charges are serious, you should seek legal advice.

County District Court

The district court can handle money claims when the amount involved is less than \$50,000. As with small claims court, you should file your case in the court responsible for the area where the other party lives. It may take a few months to a year to finish a lawsuit in district court. You should probably have a lawyer represent you, because the procedures are much more formal and technical than in small claims court. If someone files a claim against you and it is under \$4,000, you can move the case to small claims court. Ask the court clerk how to do this.

Superior Court

Most cases involving more than \$50,000 are brought in superior court, as well as cases asking the judge to order one party to do or not to do something. If the suit involves money only, and the claim is within arbitration limits for the county (usually under \$35,000), you will be assigned an arbitrator (a lawyer who acts as judge in your case) and your case will be decided within a few months. Otherwise, it may take months or years to get your case heard, especially if either you or your opponent asks for a jury.

State Appellate Courts

There are two levels of state appellate courts in Washington: the Washington Court of Appeals (which has divisions in Seattle, Tacoma and Spokane) and the Washington Supreme Court, which sits in Olympia. Nearly all cases decided in superior court may be appealed to the Court of Appeals. Appeals to the state Supreme Court require the State Supreme Court's permission. In general, the State Supreme Court will hear only cases of broad public importance.

FEDERAL COURTS

Only Certain Types of Cases Are Heard

The federal government has its own court system, which is separate from and independent of the state court system. Only certain types of cases can be heard in federal court. Generally, these cases involve special questions of federal law, such as income tax or immigration, or involve **plaintiffs** and defendants who live in different states.

District Courts

There is only one type of general trial court at the federal level, called the United States District Court. The U.S. District Courts in this state are located in Seattle, Spokane and Tacoma.

Bankruptcy Courts

There is a separate system of courts in the federal court system which only hears matters related to an entity or person which has filed bankruptcy. There are two types of bankruptcy courts in the federal system: Bankruptcy District Courts and Bankruptcy Appellate Panels. The bankruptcy district courts are the trial courts, and the Appellate Panel hears appeals from the bankruptcy district courts.

Appeals Court

Appeals from U.S. District Courts in Washington (and several other Western states) go to the 9th Circuit Court of Appeals, which is headquartered in San Francisco and has judges in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon and Washington.

United States Supreme Court

From the 9th Circuit, appeals go to the United States Supreme Court in Washington, D.C., which also hears appeals from other federal circuits and state supreme courts, including the Washington Supreme Court. The U.S. Supreme Court agrees to hear less than one percent of the thousands of appeals it receives. Like the Washington Supreme Court, the U.S. Supreme Court generally decides only those cases involving the most important public issues. With few exceptions, the court is free to accept or reject each appeal as it sees fit.

FOR MORE INFORMATION

If you would like more information about the courts, or help in finding a lawyer, check the numbers in the back of this booklet. For information about a particular court, call the clerk of that court. You will find the court's phone number in the government section of the telephone book (in Seattle, look in the blue pages). The clerks cannot give you legal advice. Contact an attorney if you do not understand court procedures or deadlines.

Chapter 9: Your Lawyer

In this booklet, you have been given a broad overview how certain events in your life such as getting a job, getting married, renting a place to live and driving a car are affected by laws. This section will assist you in determining whether you need a lawyer, and provide some guidelines for choosing and working with a lawyer.

WHEN DO YOU NEED A LAWYER?

When first determining whether you need a lawyer, you will want to ask yourself certain questions:

1. Have I taken on a new, major responsibility – such as buying property or getting married?
2. If I have a problem regarding money, my job, my housing situation, or trouble with the police, what is at stake?
3. Do I know enough about the law to handle the problem myself, or should I seek outside guidance?

Legal advice might be helpful in the following situations:

1. Marriage, divorce, or adoption
2. Arrest or being charged with a crime
3. A serious accident or injury
4. Applications or appeals to, or appearances before, government agencies or boards
5. Other situations that involve a significant sum of money and/or a contract
6. Buying or selling real estate
7. Starting or closing a business
8. Tax concerns or financial problems
9. Writing a will
10. Any involvement you may have in a lawsuit

SHOULD YOU HANDLE YOUR OWN LEGAL PROBLEMS?

Self-help kits are available from stationary stores and libraries on common legal needs like wills, and filing for divorce. However, these kits do not always take into account individual needs. If you are inclined to use such self-help guides, make certain you check that the form/guide is consistent with Washington law – as each state has its own set of laws. Moreover, if you find that you are confused with what laws are applicable or how they apply to your situation, it may be a good time to seek legal advice.

HOW DO YOU FIND A LAWYER THAT IS RIGHT FOR YOU?

Get information from several resources such as a lawyer referral service, friends, family, co-workers, neighbors, the yellow pages, and other lawyers. There are also low cost services available to

certain low-income individuals through governmental legal services and/or legal aid. On criminal matters there is also the option of a public defender who is an attorney that represents criminal defendants who cannot afford an attorney. No matter which avenue you take for your legal counsel, when speaking to a specific lawyer regarding your issues, ask:

1. Do you have experience handling my type of problem?
2. Do you have an office convenient for me?
3. Can you meet with me at convenient times?
4. How much do you charge?
5. What do you charge for?
6. What is your preferred style in a working relationship with a client?

Meet with a potential lawyer in person and see if you like them and if you are comfortable with them. It is important that you pick a lawyer you believe will do the best job possible to protect your legal rights. But remember that most legal actions are not a “sure thing.” You should be careful of a lawyer who promises you 100% results.

DEALING WITH YOUR LAWYER

Your First Meeting

Be Prepared: When you meet with your lawyer, make sure you are on time. If you are meeting with your lawyer for the first time, ask how much you will be charged for the first visit. Some lawyers have a policy of not charging for the first consultations while others charge their standard hourly fee or ask for a donation to a law clinic.

Bring Paperwork: Make sure to bring all documents/paperwork you have related to your problem with you to your meeting. In addition to the originals, you may wish to bring copies, as it will save your lawyer’s time, and therefore save you money.

Be Prepared to Talk: Make sure you state clearly why you are seeking legal advice and give your lawyer *all* the details of the problem. What you tell your lawyer will be confidential. The best way your lawyer can advise you is to tell him/her the whole story honestly. Your lawyer will likely have many questions regarding your situation that you should also be prepared to answer. Also, don’t be afraid to ask questions of your own.

Write Down Your Ideas: If you write down what you want to tell and ask your lawyer, then you will not forget your important concerns and you will not waste valuable time.

What Your Lawyer Will Do For You

Represent Your Legal Interests: Your lawyer should advise you of your legal rights and responsibilities, prepare legal documents for you, research and analyze the facts and law relating to your situation, and prepare legal arguments to present in court if needed.

Address Your Concerns: Part of your lawyer’s job is to return your telephone calls and answer your questions. Your lawyer should keep you informed about the status of your case, advise you and follow your decisions on substantive matters.

Fees and Costs

As addressed above, talk about fees with your lawyer the first time that you meet. Ask how much will be charged, what you will be charged for (travel time, court costs, photocopying,

messenger services, etc.), and when you will have to pay. Honest discussion about fees and your ability to pay will avoid misunderstandings, while helping you decide if you want to hire the lawyers. Most likely, your attorney's fees will be calculated in one of three ways: (1) "time," (2) "contingency," or (3) "flat."

Time: Under this structure, you pay your lawyer by the hour or parts of an hour that they, other lawyers, or legal assistants spend working on your case.

Contingency: You pay your lawyer a certain amount only if there is a favorable outcome. The amount is usually a percentage of the award.

Flat: You pay a fixed amount no matter how much time is spent by the lawyers and no matter what the result is.

Lawyers value their time at different rates due to variations in experience, training, skills, and law offices expenses. Do not assume a lawyer's fees are the same or that there is only one way a lawyer can structure the fee. If necessary, challenge the lawyer to come up with a fee structure that works for both of you.

Changing Lawyers

If you are unhappy with a lawyer, talk to him or her and let them know what your complaints are. This may be enough to cure any problem that exists. If it doesn't, you may fire your lawyer – although you will still owe him/her for the work that has already been done. (In a few cases, such as criminal matters, withdrawal may be obtained only by court order). If you think your lawyers acted improperly, you may contact the Washington State Bar Association at (206) 443-WSBA or 1-800-945-WSBA for more information about your rights. The Washington State Bar Association cannot give you legal advice, but can refer you to someone who can.

Other Sources of Help

There are many ways to solve legal problems. Government and consumer complaint agencies, marriage and credit counseling, consumer advocates at local newspapers, radio or TV stations, small claims court (for limited amounts) and dispute resolution centers are all options that should be considered. Lawyer referral services are available through the following numbers:

King County -----(206) 267-7010

Pierce County -----(253) 383-3432

Snohomish County -----(425) 388-3018

Clark County -----(360) 695-0599

Kitsap County -----(360) 373-2426

Lewis County -----(360) 748-0430

Attorney Referral Toll Free -----(800) 759-4357

For assistance in other Washington counties, call the Washington State Bar Association at 1-800-945-WSBA or (206) 443-WSBA. Likewise, for pamphlets with more details on lawyers and legal fees, send your specific request and a self-addressed, stamped #10 (long) envelope to:

Citizens' Rights Series

Washington State Bar Association

2101 Fourth Avenue, Suite 400

Seattle, WA 98121-2330

Phone 1-800-945-WSBA

or visit www.wsba.org

The Washington State Bar Association is the organization that governs lawyers in Washington State.



Telephone Numbers

General Information and Referral Services (800 numbers do not cost you money to call)

Legal Clinics

Neighborhood Legal Clinics – Seattle.....(206)-340-2593

Your Rights and Responsibilities as a Driver

Insurance Information Institute – Washington Insurance Counsel

Toll-free.....(800)-664-4942

Your Job

U.S. Department of Labor, Federal Wage and Hour Division

www.dol.gov

Seattle.....(206) 398-8039

Tacoma.....(253) 428-3770

Spokane.....(509) 353-2793

Referral Line.....(866) 4-USA-DOL

Washington State Department of Labor and Industry

www.lni.wa.gov

Seattle.....(206) 515-2800

Wage and Hour Division – Olympia.....(360) 902-5303

Referral Line.....(800) 547-8367

U.S. Equal Employment Opportunity Commission

www.eeoc.gov

Seattle.....(206) 220-6883

Toll-free.....(800) 669-4000

National Labor Relations Board

Seattle.....(206) 220-6300

U.S. Social Security Administration

www.ssa.gov/seattle

Toll-free.....(800) 772-1213

Washington State Employment Security Office

www.wa.gov/esd

Job Service Center

Seattle.....(206) 440-2500

Tacoma.....(253) 589-7119

Washington State Human Rights Commission

www.wa.gov/hrc

To Register Discrimination Complaints

Seattle.....(206) 464-6500

Spokane.....(509) 456-4473

Olympia.....(360) 753-6770 and (800) 233-3247

Yakima.....(509) 575-2772

Your Rights and Duties as a Tenant

U.S. Department of Housing and Urban Development

www.hud.gov/local

Fair Housing HUD

Fair Housing Enforcement Center.....(206) 220-5170

Toll-free Housing Discrimination Hotline.....(800) 669-9777

Public Housing Authority

Seattle.....(206) 615-3300

Tacoma.....(253) 620-5400

Spokane.....(509) 328-2953

Legal Action Center

Seattle.....(206) 324-6890

Columbia Legal Services

Seattle.....(206) 464-1155

Your Money and Credit

Better Business Bureau

www.bbb.org

Western Washington.....(206) 431-2222

Spokane.....(509) 455-4200

Washington State Attorney General – Consumer Protection Division / Consumer Resource Center

www.atg.wa.gov

Seattle.....(206) 464-6684

Tacoma.....(253) 593 -2904

Spokane.....(509) 456-3123

Bellingham.....(360) 738-6185

Vancouver.....(360) 759-2150

Kennewick.....(509) 734-7140

Toll-free.....(800) 551-4636

Freedom to Express Yourself

American Civil Liberties Union

www.aclu-wa.org

Legal Complaint Line.....(206) 624-2180

Your Spouse and Children

Washington Domestic Violence Hotline.....(800) 562-6025

www.courts.wa.gov/dv

Washington State Department of Social and Health Services

www.dshs.wa.gov

Child Protective Services

King County.....(800) 609-8764

Pierce County.....(800) 422-7517

Spokane County.....(800) 557-9671

Kitsap County.....(800) 762-4902

Whatcom County.....(800) 794-9402

Child Protective Services Hotline.....(800) 562-5624

Child Support Enforcement

Seattle.....(206) 341-7000 or (800) 526-8658

Tacoma.....(253) 597-3700 or (800) 345-9976

Spokane.....(509) 363-5000 or (800) 345-9982

Marriage Licenses

King County.....(206) 296-4021

Pierce County.....(253) 798-7435

Spokane County.....(509) 447-2270

Kitsap County.....(360) 337-7133

Whatcom County.....(360) 676-6740

Planned Parenthood

www.plannedparenthood.org

Seattle.....(206) 328-7700

Tacoma.....(253) 779-3900

Spokane.....(509) 326-6292

Toll-free.....(800) 230-PLAN (7526)

World Association for Children and Parents

www.wacap.org/default.asp

Seattle.....(206) 575-4550

Toll-free.....(800) 732-1887

Seattle Family Helpline.....(206) 233-0139

Spokane Children's Home Society.....(509) 747-4174

Glossary

Affidavit:

A written statement sworn to or made under oath before someone authorized to administer an oath.

Age of Majority:

The age (18 in Washington) when a person becomes an adult. It gives the individual both the rights and responsibilities of adulthood.

Answer:

A defendant's response to a complaint made in a written statement and filed in court.

Appeal:

Taking a case to a higher court ("appellate court") for review.

Charge:

1. the formal accusation of a crime; 2. a type of credit in which payment is made over a period of time.

Civil Law:

The areas of law that do not involve criminal matters. Civil law usually deals with private rights of individuals, groups, or businesses.

Complaint:

The first legal document filed in a civil lawsuit. It includes a statements of wrong or harm done to a plaintiff by the defendant and a request for a specific remedy from the court.

Contract:

A legally enforceable agreement between two or more people to do a certain thing in exchange for some form of payment or services.

Defamation:

A damaging, untrue statement about another, whether oral or written. Also called libel or slander.

Default:

Failure to fulfill a legal obligation, such as failing to make a loan payment or appear in court on a specified time and date.

Defendant:

The person whom against the claim is made. 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.

Dissolution Or Divorce:

The ending of a marriage by court order.

Plaintiff:

The person who starts a lawsuit against another person.

Pro se:

Latin term meaning “for oneself” or “on one’s behalf.” typically to describe a person who represents himself or herself in court without an attorney.

Trial Courts:

Courts that listen to testimony consider evidence and decide the facts in a disputed situation.