



***A Quick Guide
to Laws Related
to New Jersey
Teenagers***

A Quick Guide to Laws Related to New Jersey Teenagers

New Jersey law provides young people some opportunities to make adult decisions. Of course with greater decision-making authority comes greater responsibility. The failure to obey the law brings consequences, some of which can be severe. This pocket guide provides a general overview of some laws that affect teens in New Jersey. With the overview we provide links to sources for more detailed information. We hope you find this information helpful.

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AGE-BASED LAWS AND ADULT DECISION-MAKING

Eighteen is considered the age of majority in New Jersey. When you become 18, you have the right to vote, to marry without parental consent, to enlist in the military and to serve on a jury. If you sign a contract after your 18th birthday, the terms of the contract can be enforced against you. You must be 21 to drink alcohol or gamble. You have some limited rights to engage in activities and adult decision-making before you reach the age of 18. These limits protect you, but also protect the community from your actions.

Consent to Medical Treatment

Generally, you must have your parent's permission to get medical treatment until you are 18 years old. As a minor, you can make certain decisions about your own health care or treatment without your parent's permission. The following are examples of medical services you can receive without your parent's permission.

Your parent's permission is not needed for:

- Treatment for sexually transmitted diseases.
- Testing for HIV/AIDS.
- Treatment for drug and alcohol abuse.
- Medical treatment for sexual assault.
- Pregnancy services for prenatal care.
- Contraceptives.
- Abortion.

A doctor may want you to talk to your parents about the treatment, and may tell your parents about the treatment if the doctor feels it is in your best interest. Under the law, notification is different than consent. If you have been sexually assaulted, the doctor is **required** to tell your parents unless the doctor feels it is in your best interest **not** to tell them.

You can seek treatment for alcohol abuse by a doctor or an alcohol abuse counselor on your own. The treatment for drug or alcohol abuse is private. Some programs may have their own rules for admission, which means your parents may have to know and/or participate. Treatment programs are not required to take you.

Driving

Driving in New Jersey is a privilege that comes with certain responsibilities.

Requirements for all drivers

- You must pass a test to obtain your permit and/or license.
- The car you drive must be insured.
- You are required to obey traffic signals and speed limits.
- You cannot use a handheld cell phone or games, or any other electronic devices while driving.
- Seat belts must be worn at all times.

There are consequences if you do not follow the law. If you are found guilty of an offense, the judge can impose fines, and in certain instances, suspend your driver's license.

Additional restrictions placed upon new drivers because of their inexperience

- You may get your learner's permit at age 16, once you have passed a written test.
- You can only drive with a licensed driver who is over 21 and has had his/her license for at least 3 years.
- The accompanying driver can be a driver's education instructor or a member of your family.
- You can only have one person in the car with you that is not a family member.
- You cannot drive between the hours of 11:01 p.m. and 5:00 a.m.

Restrictions on a *provisional driver's license* at age 17

- You may get your provisional license after passing a road test.
- You are to practice driving unsupervised for one year.
- Family members can be in the car with you as well as one additional person outside of your family.
- You cannot drive between the hours of 12:01 a.m. and 5:00 a.m.
- When you turn 18, you can get an unrestricted license.

For more information visit the NJ Motor Vehicle Commission's website at www.state.nj.us/mvc.

Drugs and Alcohol

Underage drug use and drinking have some special consequences that are different from adults.

- **If you are under the age of 21 and you are caught with alcohol in school, a public place, a car or on public transportation, the judge can fine you up to \$500.**
- If you are found in a car with drugs or alcohol, the judge will put your driving rights on hold for six months.
- If you do not have your driver's license yet, the suspension will occur 6 months after you turn 17.
- Your license can be suspended whether or not you are the driver. If you are passenger, the suspension will still occur.

Employment

Because you are under 18, the state has a right to control the age at which you may work, the number of hours, and the type of work you may do.

■ **If you are under 18, you cannot:**

- ▲ Work for more than eight hours a day.
- ▲ Work for more than six straight days.
- ▲ Work for more than 40 hours in one week.

■ **If you are between 16 and 18, you cannot:**

- ▲ Work before 6 a.m. or after 11 p.m., unless it is during school vacation or a day where you would not have school the next morning and you have your parents' permission.

■ **If you are under 16, you cannot:**

- ▲ Work before 7 a.m. or after 7 p.m. unless it is during a school vacation, you work in a store or a restaurant and you have your parents' permission.
- ▲ Work more than three hours in any one-day when school is in session.

Certain jobs, like newspaper delivery and being a Little League umpire, can be excused from some of these rules. There are also special rules if you are working in a theater or at a bowling alley.

You cannot work around alcoholic beverages unless it is in a restaurant or hotel and you are not selling or serving the alcohol. The state will not allow you to do certain types of work such as using certain types of equipment.

If you are under 18, you must get working papers from the school district where you live.

■ **To get working papers you must have:**

- ▲ A promise of employment from your employer stating the hours you will work and what you will be paid.
- ▲ Proof of your age.
- ▲ A report of physical fitness signed by your doctor.
- ▲ Your school record signed by your principal.

For more information visit the NJ Department of Labor's website at www.state.nj.us/labor and search for "Child Labor".

LAWS RELATED TO FAMILIES

Emancipation

Emancipation is the way that you can become fully independent from your parents and have adult rights before reaching the age of 18. Your parents no longer have a responsibility to support and control you, nor the right to take your money.

- **While you are presumed to be emancipated when you turn 18, prior to age 18, you are emancipated *only* if:**
 - ▲ You are married.
 - ▲ You are in the military.
 - ▲ You have gotten a court order to emancipate you from your family (which is very difficult to get).
 - ▲ If your parents are divorced or separated and one parent pays child support, that support obligation can be extended if you are continuing your education beyond high school. Your custodial parent has to file a motion in family court to continue support if your parents cannot reach an agreement.

If you are under 18, **having a child does not emancipate you from your parents.** While you are treated as an adult for purposes of making decisions about your child, your parents are still responsible for other areas of your care such as deciding where you live and your medical and dental care.

Teen Parents

If you are under 18 and have a child of your own, you can make decisions for your child. You decide how your child will be raised and what medical treatment your child receives even if your own parent must give his/her permission for your care. If your child is not living with you, you have the right to spend time with your child.

You are also responsible for the support and care of your child, whether or not the child is living with you. For example, if the child is not living with you, you must still pay child support. The amount will be based on how much money you earn. You are not required to leave school to support your child.

You can receive financial help and medical insurance to care for your child through the Temporary Assistance to Needy Families (TANF) program. The benefits you receive depend on how much money you and your parents earn if you are under the age of 18. Your parents have no responsibility to support your baby, although they have an obligation to support you.

In order to receive TANF benefits, you must live with your parent or guardian if you are under 18. Your benefits will be paid to the adult you are living with. If you have another baby while you are receiving TANF benefits, you cannot get assistance for your second child.

You are required to work or continue your schooling while receiving TANF benefits. If you are under the age of 18, you must attend high school or an equivalent school program on a full-time basis. If you have completed school or cannot finish school, you must work full-time. You can receive childcare assistance for your baby while you are in school or working.

There are other programs that can help you. The Food Stamp Program and The Supplemental Nutrition Program for Women, Infants and Children (WIC) can help you get food for yourself and your child. Your county social services office can tell you more about these programs. www.state.nj.us/humanservices/dfd.

You and your child may also be able to receive health insurance through New Jersey FamilyCare, which is New Jersey's state health insurance plan. www.njfamilycare.org.

Custody

Fathers and mothers, *whatever age*, have the right to be a part of the raising of their children. The law requires that the child have contact with both parents, unless it is unsafe.

Custody is a legal word that describes the rights and responsibilities each parent has towards a child when they do not live together as a family. If you are a parent and want custody of your child, you must file a complaint or written request in the family court in the county where the child lives. For example if the child lives in Essex County, the complaint would be filed at the Courthouse in Newark.

- **There are different kinds of custody arrangements that parents can agree to or that a judge may decide is best for the child.**
 - ▲ In *sole custody*, the child lives with one parent, who has the right to make decisions for the child. The child spends time with the other parent.
 - ▲ In *joint custody*, the parents share physical custody and decision-making. The child alternates living in one parent's home and then the other parent's home.
 - ▲ Another arrangement would be *joint legal custody*. The child lives with one parent, but both parents have the right to be involved in making decisions about the child's education, health, and general well being.

Courts have mediation programs that can help parents come to an agreement about custody in a friendly way. If the parents cannot reach an agreement, the judge must decide which arrangement is best for the child.

For more information, contacts and forms visit the NJ Family Courts' website at www.judiciary.state.nj.us.

Domestic Violence

Domestic violence is threats or acts of violence committed by one person involved in a relationship against another family member or partner. If you are a victim of domestic violence you can be protected even if you are under age 18. Domestic violence laws apply to any dating relationships. You do not have to currently live or have lived with the person.

- **There are steps that you can take if you are a victim of domestic violence.**
 - ▲ You can get a restraining order. This is a written document from a judge that stops the person committing the violence from coming within a certain distance of you or contacting you in any way. You can get protection through a restraining order if you are a minor.
 - ▲ To get a restraining order, you should go to family court in the county where you live, the abuser lives, or where the violence occurred. On weekends, holidays and other times when courts are closed, a police officer can help you get in touch with a judge who can order a temporary restraining order.
 - ▲ When you tell the judge what happened, this is considered an initial hearing. If the judge believes that you have been injured due to violence and are at risk of further violence, the judge will order a temporary restraining order.
 - ▲ A final hearing is then scheduled within 10 days. The alleged abuser is told that there is a hearing and he/she can appear to argue against the final restraining order. No contact is allowed prior to the final hearing. At this hearing, the judge will listen to each party's story and will look at evidence concerning injuries, before deciding whether there should be a final restraining order.

The final restraining order gives you legal protection against the abuser. The order can also deal with financial support, custody and visitation if there are children involved and other issues.

EDUCATION

School Rules and Procedures

Every high school has its own rules. It must provide you with a student handbook, which contains the rules (graduation requirements, disciplinary code, attendance, dress codes, etc.).

Required Education

- You are required to attend school from the age of 6 to 16. You have the right to attend school from age 5 to age 20; 21 if you are eligible for special education services. To register at your local high school, you must provide:
 - ▲ A birth certificate,
 - ▲ Proof of vaccinations,
 - ▲ And proof of residence, for example your parents' telephone bill.

Attendance

In each course, your teacher cannot lower your grade for being absent, but you can lose credit for the course if your absences exceed the number of absences permitted for the school year. The state requires a minimum of 110 credits to graduate, but every high school adds additional requirements up to 130 credits. If you are being taught at home because of an illness or if you are on suspension, you are not considered absent. You must be allowed to make up any work missed during an absence.

Promotion and Graduation

- **In order to meet graduation requirements, you must:**
 - ▲ Pass the required classes
 - ▲ Meet the attendance requirements
 - ▲ You can lose credits if you have too many absences, even if you have passing grades in the class
 - ▲ Take enough electives to meet the credit requirements of your high school

Participating in graduation ceremonies is considered a privilege, not a right. If you have completed all graduation requirements, you are entitled to receive your diploma.

If you are 16 years old, only your parents may withdraw you from school. Should you decide to go back to high school, you have the right to re-enroll and attend school until you are 20 or graduate, whichever occurs first. If you stay out of school, you can still get a state high school diploma if you pass the General Educational Development test (GED).

Students Needing Special Services

If you have special needs, you have the same rights to an education as students in regular education. In addition, you have the right to being taught in a way that you will learn. For this purpose you may need to be evaluated by the child study team (CST), classified, and provided with an individual education program (IEP).

If you have a physical or mental disability that affects your major life activities, for example, learning, you may be able to receive special accommodations and services needed to get your education.

Discipline

No school staff member can physically harm you in the state of New Jersey. For example, a teacher is not allowed to hit you or perform any other physical punishment. Teachers are allowed to use reasonable force to settle down a situation that could possibly hurt someone, to take a weapon or to protect themselves.

For more information about education visit the NJ Department of Education's website at www.state.nj.us/education.

Substance Abuse

Your school has a right to test you for substance abuse if they have reasonable suspicion that you may be using drugs or drinking alcohol whether on school premises or at a school function. If your parent is not available to take you to be tested, the school can take you. Schools can make students take random drug testing if the Board of Education has established a written policy which is in the student handbook that this step is necessary to keep a drug and alcohol free environment.

If you test positive for drugs or alcohol, you can be excluded from school. You can return to school when you bring a doctor's note to school stating that you are mentally and physically able to return.

Student Searches

Students have the right to be free from unfair searches in school. If your school has a reason to be suspicious, they can search your property and locker. Also, if your school has a policy of regularly checking your lockers then you have no privacy rights regarding the things that are in your locker.

Rights in Disciplinary Procedures

If you are suspended for less than 10 days (short-term suspension), your principal or vice principal must tell you the reason for your suspension. You must be told what evidence the school has against you and be given a chance to tell your side of the story.

If you are suspended for 10 days or more (long-term suspension), you will receive a hearing before the Board of Education within 21 days of the first day of suspension. You must be given a written notice of the charges. A lawyer can be with you at the hearing. You may also bring witnesses and provide sworn testimony and cross-examine the school's witnesses at the hearing.

If you are in special education you cannot be suspended for something related to your disability and you are entitled to a determination of whether the charges relate to your disability.

You can only be expelled from school through an expulsion hearing before the Board of Education and the School Superintendent. You have the same rights as you do when your school seeks a long-term suspension. You can never be "dropped" from school by the administration.

Religious Beliefs

You may be excused from some school activities if your religious beliefs do not permit you to participate. A letter explaining this from your parents needs to be given to school officials. You may pray in school but it cannot disrupt class work or other school activities or put pressure on others to pray.

Freedom of Speech

You have the right to express your opinions and beliefs if you write them, if they're spoken aloud, by your silence during the pledge of allegiance, or by wearing certain symbols/messages on your clothes without being punished by the school. However, your opinions and beliefs must not cause a major disruption of class work or other school activities. You can express your opinions and beliefs in the school newspaper and other school sponsored publications but school officials can edit your article if there is a need.

Freedom from Sexual Discrimination/ Harassment/Bullying

Your school officials must make reasonable efforts to protect you. If a classmate or school staff member is subjecting you to sexual discrimination, or harassing or bullying you, you should contact your guidance counselor, the vice-principal, and the principal. You should *always* keep in mind that bullying is against the law and you should never bully anyone else.

Dress Codes

Your school can prevent you from wearing clothing or accessories that can disrupt classroom learning or that is associated with criminal activity. Your school can prohibit the clothing you wear if it appears to be a danger to yourself and others. Check your school's student handbook for specifics.

Five Sure Ways to Get Through School

**Attend school regularly-unless you
are REALLY sick.**

Do not sleep in class.

**Do not have an attitude toward
your teachers.**

Do your homework.

Do not get into fights.





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This booklet is intended as a reference guide for teens. It is not intended to offer legal advice or legal guidance. For more information or if you have questions not answered in this guide, contact Mary E. Coogan at mcoogan@acnj.org.

The Children's Legal Resource Center offers information, assistance, training, and legal publications regarding children and the law. Fact sheets, manuals, and other publications are available to the general public on our website at www.kidlaw.org or by calling 973-643-3876.

The Association for Children of New Jersey (ACNJ) is a state-wide non-profit child research and advocacy organization. To find ACNJ reports and publications, visit www.acnj.org.

ACNJ's Make Kids Count NJ Campaign, is aimed at making children a top priority for our state leaders and urging them to work together to build a better future for all New Jersey children. To find out more, visit www.makekidscountnj.org.