

# You and the Law

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State Bar of Michigan



and



Michigan Lawyers Auxiliary

Seventh Edition

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## Foreword

To make students aware of their rights and responsibilities under law and encourage responsible citizenship, the State Bar of Michigan has provided this handy booklet for students and teachers in classrooms across the state. The LRE Committee worked diligently on revisions to this booklet to reflect current changes in the law and to reflect areas of the law that are of special concern to teens. New sections in the booklet include information on changes in driver's licensing rules and, for those on the verge of turning 18, the booklet includes sections on voting and landlord/tenant law. This updated version also contains a section on child custody, paternity, "parenting time," and child support.

My name is Jennifer Granholm and I am the Attorney General of Michigan. The Attorney General is an elected officer provided for under Michigan's Constitution as our state's chief law enforcement officer. In that capacity, I'm particularly pleased to have this opportunity to write the foreword to this updated edition of *You and the Law*. As young people who are, or soon will be young adults, it's important that you understand early the impact of the law on your everyday lives. This booklet provides an excellent introduction to the many areas of the law most pertinent to young citizens and reveals an underlying theme that permeates the law — that our society's rules hold individuals accountable for their actions. I hope that you'll review these materials and that they'll prove useful to you and your friends. Best wishes.

A Word from State Bar of Michigan President Thomas J. Ryan:

As a lawyer, I can see how laws come into play in our everyday lives. It's important for citizens to know their rights and responsibilities. It's especially important for young people to gain knowledge about legal issues that they may face at some point in their young adult lives. I'm glad that you are taking a step toward responsible citizenship by reading this booklet that lawyers on the State Bar of Michigan's Law-Related Education Committee have prepared for you. Each and every one of you represents the future of our world. Along the journey into adulthood you'll be faced with lots of choices and decisions. I hope that you will find this booklet a handy resource in answering some of your law-related questions as you face this exciting, and sometimes challenging, phase of your lives.

Sincerely,  


Thomas J. Ryan

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Remember, this book presents a simplified picture of the law and what it means to you. It is necessarily general and can't take account of all the facts in a particular case, so it is not a do-it-yourself guide for handling actual problems with the law. Most legal problems require the help of an attorney who is trained to deal with them. If you ever think you have a legal problem, talk it over with your parents or guardian.

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## Introduction - What is Law?

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Law is a set of rules designed to help people get along with each other. We need them in order to live and work together in peace and safety.

If we break a rule at home or at school, we are punished in some way. The reason is not to make the rule-breaker “pay” for disobeying the rules, but to show that it is not worthwhile to break a rule. If there were no punishment, some of us might think that there’s no good reason to follow the rules.

The law works the same way, for the same reason. But there’s one big difference between rules at home and the law. If you break a rule at home, your parents may ask, “Why did you do it?” and your reason may make a difference in what they do about it. If you break a law, your reason won’t make a much difference.

If you tear down the highway at high speed because you’re angry about a fight with a friend, you are putting other people’s lives and property in danger. The law won’t ask, “Why are you speeding?” Your reason doesn’t matter. All that matters is that you endangered others by speeding, and for that you will be punished, so that the next time you’re angry, you’ll stop and think before jumping into the car and tearing off.

Another difference between rules at home and the law is the “*record*,” which is a list of offenses. In many cases the law protects juveniles (anyone under 17) by making their records nonpublic.

The reason for a record is to protect all the people against a person who breaks the law more than once. A record may be very important to you; a careless or thoughtless act now could hurt you later when you want a good job, want to be bonded, to get a security clearance, or enter college, or the armed forces.

There is an enormous body of laws in a society as complex as ours. Even lawyers and judges cannot memorize all the law, but everyone should remember the purpose of the law — to protect the safety, peace, and property of each of us.

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## Driver Licenses

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### **Can I get my full driver's license when I am under 16 years of age?**

As of April 1, 1997, Michigan has a three-tiered graduated licensing system for persons under 18 years of age. The graduated licensing system ends for drivers when they reach age 18. In unusual family hardship or special need situations, a minor restricted license may be given to someone between age 14 and 18 who has not passed a driver's education course.

### **When can I obtain my Level 1 license?**

A teenager at least 14 years and 9 months of age is eligible for a Level 1 license. A Level 1 license only allows the teenager to drive when accompanied by a licensed parent, licensed legal guardian, or with a licensed driver over the age of 21 designated by a parent or legal guardian.

### **What are the requirements for a Level 1 license?**

Not only must you be at least 14 years and 9 months old, but you must also complete segment 1 of a driver education course approved by the Michigan Department of Education, which includes 6 hours of driving instruction. In addition, you must meet the following requirements: (1) provide proof of identity; (2) pass a vision test and meet health standards prescribed by the Michigan Secretary of State; and (3) obtain written approval from a parent or legal guardian. You will be required to drive under Level 1 status for at least 6 months.

### **What is a Level 2 license?**

A person at least 16 years of age can drive without supervision except from midnight to 5 a.m. Driving is only permitted from midnight to 5 a.m. if you are driving to and from employment or if driving with a parent, legal guardian or a licensed driver over age 21 designated by your parent or guardian.

**What requirements must I satisfy to obtain a Level 2 license?**

You must be at least age 16 and pay a fee. You must also complete segment 2 of a driver education course approved by the Michigan Department of Education. In addition, you must have no convictions/civil infractions, license suspensions or accidents during the 90-day period immediately prior to applying for a Level 2 license.

**Must I have additional behind-the-wheel time and take a road test for a Level 2 license?**

Yes. You must complete a minimum of 50 hours of behind-the-wheel driving, including 10 hours of night-time driving. Your parent or legal guardian must certify your hours. You must also pass a road test given by an independent testing agency.

**When can I get my Level 3 license with full driving privileges with no restrictions?**

You must be at least age 17 and hold a Level 2 license for at least 6 months. You also must complete 12 consecutive months of driving without a moving violation, an at-fault crash that resulted from a moving violation, a license suspension, or a violation of the graduated license restrictions.

**Can my parent or guardian stop me from driving after I'm licensed?**

Yes. Until you reach age 18, the person who signed your application may have your license cancelled by writing the Michigan Department of State.

**What if I change my license, lend my license, or provide a false license?**

If you alter your license in any way, it could be suspended for up to a year. You could face a fine or jail. Also, you should never lend your license. If you display a false license or give false information regarding your identity to a police officer, you could have your license suspended.

**Do I need a special permit to drive a motorcycle?**

You need a motorcycle endorsement on your driver's license to operate (taking out a loan) in your own name

a motorcycle on public roadways. If you are under 18, you must first be a licensed driver, then pass a motorcycle safety course and special written and skill tests on your motorcycle. If you need practice before taking the skill test, you can get a motorcycle instruction permit.

**Do I need a permit for a moped?**

Yes. If you are age 15 or older, you can get a special restricted license to operate a moped if you can satisfy the Department of State that you know how to operate it safely. A road test is not required.



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## Tobacco

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The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by the Youthful Tobacco Act of the State of Michigan. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.



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## Alcohol

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**What is an alcoholic beverage?**

Any drink that is at least 1/2 of one percent alcohol by volume is considered an alcoholic beverage. This includes beer, wine and “fermented liquid.”

**May I drink in a bar?**

Not if you are under age 21. Anyone under 21 who buys or drinks any alcoholic beverage in a “licensed premise” (bar, tavern or licensed restaurant) can be fined \$25 for the first violation and up to \$100 for later violations and/or required to participate in substance abuse prevention programs.

**Can a person who sells me alcoholic beverages get in trouble?**

Any person who sells or gives alcoholic beverages to a minor is committing a misdemeanor punishable by up to 90 days in jail and/or \$500 fine.

**Do I have to prove I'm over 21 to buy alcoholic beverages?**

Yes. The seller is responsible for determining that you are 21 or older and can insist that you prove that you are over 21 by showing a driver's license, draft card, or birth certificate.

**What if I borrow someone's license or change the age on mine to show I'm over 21?** Anyone under 21 who shows false evidence of age or identity to buy alcohol may be guilty of a misdemeanor. In addition to criminal penalties, your driver's license will be suspended for 90 days. Similar penalties are imposed upon anyone who "lends" you identification to lie about your age.

**Is it all right for older people to be drunk in public?**

Any person who is intoxicated in a public place and directly endangers the safety of either another person or property or causes a public disturbance may be arrested.

**Can I get in trouble for just having alcohol?**

Yes. A person under 21 can't possess alcoholic beverages unless he is making a delivery for an employer licensed by the state to sell alcoholic beverages. You may not carry alcoholic beverages in a car unless you are so employed. And whether you're a minor or not, you cannot drive while "under the influence" of alcoholic beverages, or consume alcohol in a car.

**Can I work in a bar or party store?**

You must be 18 or older to work in a bar, restaurant-lounge, or party store, unless you work under the "direct supervision and control" of your parent or guardian. At 16 or 17 you cannot actually sell or serve alcohol. Before age 17 you may not enter a place where alcoholic drinks are sold unless you work there or are with a parent or guardian.

## Drunk Driving Law

If you are stopped by a police officer, you automatically have your license confiscated if you fail the breathalyzer test or refuse to take the breathalyzer test. If you fail the test, you are issued a temporary permit until your case is heard.

There is a mandatory suspension of 30 days even for a first offense for operating under the influence of liquor (OUIL)/unlawful blood alcohol level (UBAL) or operating under the influence of drugs (OUID).

For a second offense a penalty is mandatory. Upon conviction, you will receive a fine between \$200 and \$1,000 and **either** 10 to 90 days of community service, plus up to one year in jail, **or** not less than 48 consecutive hours to one year in jail plus up to 90 days of community service. If you fail to comply, your license can be suspended.

The law is much more strict than previous laws. Two new felony offenses have been created:

- 15-year felony for a person operating under the influence with a blood alcohol content of .10% and causes the death of another person. The sentence will also include license revocation and may include the forfeiture of the vehicle.
- 5-year felony for a person operating under the influence of liquor or drugs and causes long-term “serious impairment of a body function.” The sentence may include the forfeiture of the vehicle.

Punishments, fines, and hardship exceptions are much tougher. The court can forfeit your vehicle (except for conviction of operating while impaired, first offense) and require you to attend highway safety school and drug and alcohol treatment. The blood alcohol content of .10% can be reached by some people by drinking two beers.

Having open intoxicants in a vehicle is illegal and can add two points to

your driver's record. If you are under age 21, your vehicle may also be impounded and suspension of your license may be ordered. If you leave the scene of an accident and someone is hurt or dead, there is a mandatory suspension of your license for one year.

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## Work and Employment

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### **Do I need a permit to work?**

Yes, generally if you're under 18. People 18 and older, and those 16 and older who have graduated from high school, or 17 and older who have passed the general education development test, are not required to have a work permit. At any age, you do not need a permit for such jobs as baby sitting, delivering newspapers or working for your parents.

### **How do I get a work permit?**

There are two types of work permits. One is for 11 to 15-year olds and the other is for 16 year olds and older. Both types can be obtained from your school counseling office at any time. You must show an ID such as a birth certificate, passport, school record, or green card and must have the employer fill out the type of work, hours, and wages. The original permit must be filed with the employer prior to beginning the job. Only a few types of work are allowed if you are under 14 such as news delivery, fundraising, parent business, work study or some farm occupations.

### **What does a permit cost?**

Nothing.

### **Is there a limit on how many hours I can work?**

*For 11-15 year olds:* You may not work more than 6 days a week. You may not work more than 8 hours a day and not more than 40 hours a week on *nonschool* days. You may not work more than 3 hours a day on a school day.

On school days you may work between 7 a.m. and 7 p.m. On cate a

nonschool days you may work between 7 a.m. and 9 p.m. You may not work during school hours.

*For 16-17 year olds:* You may not work more than 6 days a week. You may not work more than an average of 8 hours a day during one week. You may not work more than 48 hours in one week or 10 hours in one day (*combined work and school.*)

On school days you may work between 6 a.m. and 10:30 p.m., on nonschool days between 6 a.m. and 11:30 p.m.

Teenage workers are entitled to a half-hour break or rest period for every five hours worked.

**What should I be paid?**

Minimum hourly wage is \$5.15, minimum hourly training wage for first 90 days is \$4.25, minimum wage for tipped employees is \$2.65 (as long as tips bring wage to \$5.15 an hour). The minimum wages change periodically.

**What must the employer do?**

Employers must keep the work permit, hours a week teenager works, approved parent permission and must supervise minors.

**Can I work anywhere that I can get a job?**

No. There are special rules for teen employees in businesses serving alcohol. Employees under 17 years of age may not drive motor vehicles on public roads as part of their jobs. There are prohibitions or restrictions for dangerous jobs.

**How do I get more information?**

You may also be subject to Federal rules which may be more restrictive than the Michigan rules, such as work hours and permitted occupations. For Federal rules and complaints:

U.S. Department of Labor - Employment Standards Administration,  
Wage and Hour Division-Child Labor  
2920 Fuller N.E., Suite 100, Grand Rapids, MI 49505, (616)  
456-2004; or  
5700 Crooks Road, Suite 310, Troy, MI 48098, (248) 226-6935;  
or  
211 W. Fort Street, Suite 1317, Detroit, MI 48226, (313) 226-7447.



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## School

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### **Do I have to go to school?**

Yes. If you are between the ages of 6 and 16, you must attend school unless you are excused for a special reason such as illness. Also, your parents have the right to demand you go to school as long as you are living with them.

### **Do I have to go to a public school?**

No. You may attend a private school which meets the requirements of Michigan Law.

### **What might happen if I play hooky?**

If you repeatedly skip school, you can be required to attend a school for truants. You can also be required to appear before a family court judge.

### **What happens if I don't obey school rules?**

If you disregard school rules, you can be suspended or expelled. *Suspended* means that you cannot attend school for a certain period of time. *Expelled* means “kicked out,” and you may not be permitted to return to the particular school.

### **Can I work and attend school part-time?**

Most school districts have part-time vocational schools and occupational training programs which let students under the age of 17 work while attending school part-time.

**Do I need a work permit if I am attending school part-time and also working?**

Yes. Persons under age 17 who leave regular day schools to work must have a work permit.



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## **Parents Rights and Duties**

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**Do my parents have to support me?**

Yes. Your parents must provide you with food, shelter, and clothing, and must provide for your education to the best of their ability.

**Do I have to obey my parents?**

Yes. Until you become an adult (see Emancipation), you are subject to the control of your parents.

**May my parents physically punish me?**

A parent has the right to punish you physically. But if the punishment results in an injury to you, your parents may be charged with cruelty to children.

**What should I do if I believe I am being abused?**

If a parent or relative is physically abusing you, you should contact your school counselor, a teacher, the principal, the local police, or the Children's Protective Services for immediate help and shelter resources.

**If I work and earn money, can my parents take the money?**

Yes. If you are under age 18 (see Emancipation), your parents have a right to your earnings and services.

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## **Emancipation**

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**What does emancipation mean?**

Emancipation means that you are "on your own." Your parents no longer have the right under the law to tell you what to do, and they no longer have a duty to support (feed, clothe, and educate) you in their home.

**Does it mean that my parents no longer have any responsibility for me?**

Not completely. The law does say that a parent of a person who is unable to work and support himself or herself must help as much as they can.

**When am I emancipated?**

- When you are 18.
- When you marry.
- When you are on active duty in the armed forces.
- When a court orders your emancipation, or your parents emancipate you according to law. (But the law won't let a parent emancipate a minor who is dependent upon them for support.)
- Any person 16 years or older may petition the Family Court in the county where he/she resides for permission to be declared emancipated. The person must show that they can support and take care of themselves without the aide of a parent.



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## Marriage

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**When can I get married?**

- When you have reached your 18<sup>th</sup> birthday, no parental consent is required.
- If you are 16 or 17 years old, you must get written consent from one parent or legal guardian.
- If you are under 16, you must obtain permission from a family court judge and both parents.

In Michigan you are required to obtain a marriage license. A marriage must be performed by an ordained clergy or judge. No blood test is required at this time. Common law marriage by living together for a certain number of years is not legal in Michigan.

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## Contracts

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### **What is a contract?**

A contract is an agreement between two or more people to do (or not to do) something. It consists of an offer, an acceptance and receipt of “consideration” by each party to the contract.

### **What is an *offer* and *acceptance*?**

A person who says “I will buy your motorcycle for \$250,” has made an offer. The person who answers, “I will sell it to you for \$250,” has accepted the offer.

### **What is *consideration*?**

Consideration is money, property, or services exchanged in a contract. While consideration is usually thought of as money, it can also be services – such as babysitting or mowing someone’s lawn. A contract is not valid unless each party to the agreement promises to exchange consideration.

### **What is a breach of contract?**

A breach of contract occurs when a contracting party fails to meet his or her obligation. A person who agreed to sell his or her motorcycle and then refuses to do so breaches the contract.

### **Must a contract be in writing?**

Not necessarily. Contracts can be verbal. However, the law requires that contracts for the sale of land, contracts for items costing more than \$500, and contracts that cannot be performed in one year be in writing.

### **Can I make a contract?**

Anyone can make a contract. Young people frequently make contracts to perform services such as paper routes, lawn care, and babysitting. If you are under 18, however, the law states that most contracts you make are “subject to disaffirmance.” This means that you may be able to avoid any obligation created by a contract you make while under age 18.

**Why should minors be treated differently?**

The law recognizes that inexperienced people can make mistakes. If adults know that minors can “get out of” a contract, they tend to treat minors more fairly and are more careful about making contracts with minors. Michigan law does not permit a minor who lied about his or her age to disaffirm (get out of) a contract.

**Are there laws that protect my rights when buying products, using credit cards, or taking out a loan?**

Yes. Michigan and federal laws protect you from defective products and unfair practices by dealers, credit agencies, and lenders. These laws include:

- *The Consumer Protection laws* – These laws protect you from defective products (that do not work properly), cars that are “lemons,” and from false advertising. They also require that a company honor warranties given on its products.
- *Fair Credit Reporting and Equal Credit Opportunity laws* – These laws require credit agencies to let you know what is in your credit records, to tell you why you are turned down for credit and to correct any mistaken information in your credit records. They also prohibit a company from denying you credit based on your race, sex, or marital status.
- *Truth in Lending laws* – These laws require a bank or lender to tell you all the terms of a contract when you take out a loan. They also give you a certain number of days to cancel any loan agreement you take out.
- *Fair Debt Collection laws* – These laws prevent collection agencies from threatening people who owe money on a contract with arrest or jail. The laws also prevent them from phoning you at work or talking to your relatives, friends or neighbors. If someone violates this law, call the Michigan Attorney General’s Office.

### **What are important things to remember before I sign a contract?**

Before signing any contract, you should follow these 12 important steps:

- Read the contract carefully before you sign it.
- Be sure you understand what you are agreeing to do.
- Ask questions about everything you do not understand.
- Be sure the price, interest, and monthly payments are specifically written in the contract.
- What are important things to remember before I sign a contract?
- Do not sign a contract if it has any blank spaces.
- Fill in the blanks, or cross them out and sign your initials.
- If the salesperson promises something like free installation, be sure it is written in the contract.
- Do not sign a contract if someone asks you to sign it before reading it.
- Do not let sales people pressure you to buy or to hurry.
- Be sure to get a complete signed copy of the contract.
- Keep the contract for your records.

### **Are there important things to remember after I enter into a contract?**

Once you enter into a contract, you must follow its terms. If you miss payments or do not follow the terms of the contract, you can be sued. A claim can be made against you. If so, you will be required to appear in court. A judge or jury will decide the case. If you lose, a judgment will be made against you. A judgment is a sum of money you will have to pay.

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## **Guns and Weapons**

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### **Can I buy or own a handgun if I am under age 18?**

No. A person under age 18 cannot own or possess a handgun.

### **Can I buy or own a rifle or shotgun if I am under age 18?**

Yes. Anyone may own a rifle or shotgun unless they have been convicted of a felony.

**Can I transport a rifle or shotgun?**

Yes, but only if the rifle or shotgun is unloaded, broken down, or in a case.

**What is a dangerous weapon?**

A dangerous weapon is a gun, a rifle, a knife with a blade over three inches long, a double-bladed knife of any length, a razor, or ANY weapon intended to injure someone.

**Can I carry a weapon with me for protection?**

No, not if you intend to use the weapon. It is against Michigan law to attack someone with a dangerous weapon, or to have the dangerous weapon in your possession if you intend to use it.

**Can I carry a spray device with me for my protection?**

Yes. Providing the spray device is not mace, is not more than 35 grams, and is used for protection of your person or property that would justify the use of physical force.

**What force am I allowed to use to protect myself?**

The law says you may use any force that is reasonable under the circumstances. For example, if someone breaks into your home at night, and you are in reasonable fear for your life, deadly force may be appropriate.

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## Hunting and Fishing

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**Do I need a hunting license?**

Yes. It is against the law to hunt without a license, except a family may hunt small game without a license on an enclosed farm where they live.

- To hunt deer, you must pass a Hunter's Safety Course.
- If you are age 14 or older you may obtain a hunting license to hunt deer with a shotgun.
- If you are age 12 or older you may obtain a hunting license to hunt deer with a bow.
- A hunting license is good for one year and then must be renewed.
- Hunting licenses are available at sporting goods stores.

**Do I need a fishing license?**

No, if you are under age 17.

Yes, if you are age 17 or older.

Fishing licenses are available at sporting goods stores.



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## Crimes

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**What is a *misdemeanor*?**

A misdemeanor is a crime of less serious nature punishable by jail, fines, community service, or probation. Jail is served in the county jail as opposed to a felony, where time is served in the state prison.

**What is a *felony*?**

A felony is a serious crime such as murder, arson, or armed robbery, which is punishable by a term in a state prison. If you are convicted of a felony, you may not hold certain jobs such as a lawyer or police officer, hold a public office, or work on the securities and exchange.

**Is joy-riding a crime?**

Yes. Taking a car without the owner’s consent, commonly referred to as *joy-riding* is a crime. This crime is punishable by up to two years in jail and/or \$1,000 fine. This is a two-year misdemeanor.

**If I damage or destroy somebody’s property, have I committed a crime?**

Yes. For example, if you break a neighbor’s window on purpose, you have committed a crime called “*malicious destruction of property*.” If property damage is under \$100, then it is a 90-day misdemeanor and a fine of up to \$500. If property damage is over \$100 then it is a five-year felony.

## **Retail Fraud**

### **Is shoplifting (stealing in a store) a serious crime?**

Yes. There is *First Degree*, which is a two-year felony and/or fine. This is for stealing any goods over \$100 or for misrepresenting the price, altering the price, or concealing the goods.

*Second Degree* is for stealing, misrepresenting, or altering the price of goods under \$100. This is a 93-day misdemeanor and/or \$100 fine. (The reason for 93 days is that you are required to have your fingers printed for anything over 92 days.)

If this is a second offense, it doesn't matter how much the stolen goods cost, you are automatically charged with a First Degree Felony.

### **What if I help a friend steal, but don't take anything myself?**

You may be subject to the same penalties.

## **Graffiti**

### **Is graffiti a crime?**

Graffiti is vandalism. It is a crime even though some would like to call it "art."

### **What happens if I create graffiti?**

The crime of vandalism, or destruction of property, can be a misdemeanor or a felony depending on the value of the destroyed property. If it's a misdemeanor, the maximum penalty could include 90 days in jail. If it's a felony, prison time is possible. The court can order restitution, paying the price of the damage, and if the defendant is less than 18, the parents may have to pay. Whatever the penalty, it is not worth it.

## **Arrest**

### **What is an arrest?**

An arrest takes place when a person is detained or deprived of his or her freedom in the name of the law. The use of the actual word "arrest" by the police officer is not necessary for the official arrest.

**What if I am arrested?**

If you are arrested by a police officer, this means that you have probably been charged with (accused of) committing a crime. You should always identify yourself when asked. You do not have to tell what happened, and you have the right to contact an attorney or ask that one be called. Usually the police allow you to make a phone call.

**What if I don't think I have committed a crime?**

Even if you don't think you committed a crime, someone else does think so. Trying to escape or resist could be an additional crime of "resisting arrest." Anyone can be arrested — including a minor.

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## Drugs

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Michigan law currently classifies illegal drugs into five categories depending on the drug's potential for abuse, acceptability for medical use, and potential for psychological or physical dependence.

Drugs are regulated by a controlled substance law. It is illegal for a person to use a controlled substance unless the substance was obtained directly from a valid prescription or order from a practitioner while acting in the course of the practitioner's practice.

A "controlled substance analogue" is illegal. A controlled substance analogue has a chemical structure or effect similar to an illegal substance having a high potential for abuse and no accepted use in medical treatment.

**How come the penalties are different?**

The law is particularly concerned with stopping and punishing persons who sell and encourage others to use and/or abuse drugs. For that reason, stiffer penalties are connected with the manufacture, delivery, and sale of drugs. Giving drugs away free is still delivery and possibly possession and the penalties can be the same.

### **Can I get in trouble just having marijuana on me?**

Yes. Michigan law provides that **possession** of any amount of marijuana may be punished by a fine of up to \$2,000 or by jail for not more than one year or both. Use of marijuana carries a maximum penalty of 90 days in jail plus a fine of up to \$100.

### **Steroids**

The manufacture, delivery, and /or use of anabolic steroids is illegal. Punishment for use is a 90-day misdemeanor and/or \$100 fine. Selling steroids is a seven-year felony and/or \$5,000 fine.

### **Cocaine**

Cocaine is a dangerous and illegal drug. Punishments do not distinguish between various types of cocaine such as crack cocaine.

- Less than 25 grams (less than a fingernail): 4-year felony and/or \$25,000 fine.
- 25 to 30 grams (not even a teaspoon): mandatory, not less than one year in jail - not more than 4 years in jail and/or \$25,000 fine - lifetime probation.
- 50 to 225 grams (small fistful): mandatory, not less than 10 years in jail - not more than 20 years in jail.
- 225 to 650 grams (small sandwich baggie full): mandatory, not less than 20 years in jail - not more than 30 years in jail.
- 650 grams: mandatory, life in prison with no parole.

### **Does age make any difference?**

If a “seller” (person who delivers) is over 18 years, and a “purchaser” is under 18 and at least 5 years younger than the seller, all penalties and fines against the seller may be doubled.

### **What about drugs and cars?**

Driving under the influence of drugs is a crime. Having drugs in a car is illegal if you know about it. The U.S. or state government may confiscate

a car used to transport, keep or hide drugs. The government may confiscate a car, boat, house, money or anything if the item may have been purchased with money from illegal use of drugs. The burden is on the owner to prove the item was not purchased with drug money in order to get it back.

**Is “glue-sniffing” against the law?**

Yes. Glue-sniffing is extremely dangerous to your health. It carries a jail term and fine the same as marijuana. This is referred to as an inhalant. The more commonly used inhalants are Scotch-Guard and CO<sub>2</sub> cartridges; both of which are extremely dangerous and can cause death.

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## Search and Seizure

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The Fourth Amendment to the U.S. Constitution says “The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

This means that a police officer can’t search you or your house on just a “hunch,” or just on the chance of finding something illegal. He or she must have reasonable cause to believe that you committed a crime.

**Must a police officer always have a search warrant?**

No. An officer who has reasonable cause to believe that you committed a crime can make a valid arrest and then search you and your immediate surroundings without a search warrant. This may include your car, if there are elements suggesting a crime may have been committed, or he or she is searching for weapons.

**What does reasonable cause mean?**

This is not an easy question to answer but generally the courts require that the officer be able to point to specific facts which would indicate to a reasonable person that a crime was committed and a particular person committed it. A police officer cannot arrest and search a person on

mere suspicion. For example, an officer who searched someone because he or she “looked like a loser, and most losers smoke pot,” would commit an illegal search, based on mere suspicion. A legal search would be if someone gave the police a description of your car and told the police that you had stolen property. Also, anything illegal in plain view such as items of contraband give reasonable cause to search your car.

**Can a police officer search my car when he or she stops me for a traffic violation?**

No, unless the police officer feels there is a reasonable cause. For example, if the officer approaches the car and sees something illegal such as a knife or gun on the seat, he or she can make a search.

**Can my property be searched?**

Both the federal and the state constitutions set laws to protect your property, personal and private rights. But the laws also say that under certain circumstances these rights give way to searches and even seizure of property and person. Only unreasonable search and seizure is prohibited.



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## **Family Division of Circuit Court**

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**What is the Family Division of Circuit Court?**

Juvenile matters are heard in the family division of circuit court. It is a special court for young people who get into trouble with the law or need help because of family problems. People under the age of 17 go to this court. Its purpose is to try to help young people by giving them guidance, care, and control.

**When does someone under 17 go to Family Court?**

A person may go before Family Court:

- If accused of committing a crime.
- If abused or neglected by his/her parents or guardian.
- If he/she repeatedly refuses to obey his/her parents or teachers.
- If he/she repeatedly skips school.

### **If I am accused of a crime, will I be tried in a Juvenile Court?**

If you're under 17 and accused of doing something that would be a crime if done by an adult, you will be brought before Juvenile Court as a delinquent person. The Court may hold a hearing under the same rules of law as apply to adults. But this hearing is **not** a criminal trial. It takes place in a special court set up especially to deal with persons under 17 years of age.

In this hearing you have these rights:

- Your own or a court-appointed attorney.
- Privilege against self-incrimination (you don't have to testify against yourself).
- A choice of jury trial or by the judge without a jury.

The Juvenile Court judge may transfer a juvenile over age 15 who is charged with a felony to an adult court for prosecution as an adult.

### **Why a separate court for juveniles?**

Because the law states that people under the age of 17 generally are not to be tried as adults. The purpose of the Juvenile Court is to protect young people and guide them when in trouble — not to punish them.

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## **Voting**

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### **Why should I vote?**

Voting is the greatest right, and responsibility, you have as a citizen of the United States. A government cannot be of the people, by the people and for the people unless the people vote.

### **How old do I have to be to vote?**

You must be 18 years old to vote. Although the 1963 Michigan Constitution Article II, section 1 requires voters to be 21, the U.S. Constitution, Amendment XXVI, Section 1 supersedes the Michigan constitution and gives the right to vote to 18 year olds.

### **Where can I register to vote?**

It is easy to register to vote at any Secretary of State office where you

get your driver's license. You can also register at the unit of government where you reside or register by mail by picking up a form at schools, libraries, hospitals, or voter registration fairs. You need proof of your age with a photograph, such as a driver's license or passport.

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## **Becoming an Adult, or Turning 18**

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### **When does a person “become an adult?”**

In Michigan, as in most states, men and women become adults at age 18.

### **What does it mean to become an adult?**

When you become an adult you gain certain new rights, such as the right to vote, to make contracts in your name, and to become completely independent. You also have new responsibilities and are held personally accountable for your actions.

### **When I reach 18, am I automatically given all the rights of an “adult?”**

Yes, except for the right to buy or drink alcoholic beverages. In Michigan, you must be 21 to purchase and consume alcoholic beverages.

### **Do people under 18 have any rights?**

Yes. In general, young people have the right to receive food and shelter from their parents and an education. In fact, children must attend school in Michigan from ages 6 to 16. They also have certain rights guaranteed under the United States Constitution, such as freedom of speech.

### **What are some of the rights I have after age 18 that I did not have before?**

- vote in all elections
- make a will
- sue in your own name
- make a contract (such as renting an apartment, buying a car,

- marry without your parents' consent
- be completely independent from your parents' control

**What are some of the responsibilities I have after age 18 that I did not have before?**

After 18:

- Your parents are no longer required to support you;
- After age 17, you will automatically be tried as an adult for any criminal charges filed against you. (In some cases, you can be tried as an adult at an earlier age.);
- You may be sued in your own name on any contracts you make or any accidents you cause.
- You are eligible for jury duty.
- All males must register for Military Service.

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**Child Custody, Paternity,  
Parenting Time, Child Support**

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**What kinds of custody are there?**

*Physical custody* is the type of custody regarding where a child lives. *Legal custody* is the type of custody that gives authority to make major decisions about the child, such as medical, religious, and education decisions. There is *sole physical custody* in which the child lives with one parent and *joint physical custody* in which the child lives with each parent part of the time. There is *sole legal custody*, which means that one parent makes all of the major decisions about the child and there is *joint legal custody*, which means that both parents share in the decision-making authority. As Michigan law is currently written, if the parents are unmarried and there is not a court order stating who has custody, then the mother is presumed to have custody of the child. In Michigan, a child born to two married people is presumed to be a child of the marriage unless it is proven otherwise. When a child is born to unmarried parents, *paternity* (biological fatherhood) needs to be established. Paternity can be established by the father, who may

acknowledge that he is the father by signing an affidavit of parentage at the hospital when the child is born, or at any point after the child's birth. The mother also signs the affidavit of parentage that acknowledges the paternity of the child.

**What does “parenting time” mean?**

Parenting time is what people often refer to as *visitation* with the child. Parenting time is the time that the parent has with the child. Often, if one parent has sole physical custody, then the other parent has reasonable parenting time. Reasonable parenting time usually consists of a regular schedule of alternating weekends, one evening every week, alternating holidays, and a portion of the summer. If the parents have joint physical custody, then the parenting time arrangement may be that the child spends approximately one-half of the time with each parent.

**Do parents have a duty to financially support their child?**

Yes. Often, if there is one parent who has physical custody of the child, then the other parent must pay child support to the other parent on behalf of the child. Parents may agree to no payment of child support. However, if the parent who has physical custody of the child is on public assistance, then that parent does not have legal authority to allow the other parent not to pay child support.

**What if the parent with physical custody does not let the other parent have parenting time with the child, does the other parent still have to pay child support?**

Yes. Parenting time and child support are two separate issues. The court expects the parent with physical custody to follow any court order that allows the other parent to have parenting time with the child. The court also expects that the parent who is ordered to pay child support will do so. The court can enforce the order for parenting time and the order for child support against the parent who is violating that particular order.

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## Landlord-Tenant Law

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### **What is Landlord-Tenant law?**

Landlord-Tenant law is the body of law that governs the relationship between an owner of a home and the person who is renting the home as a residence. The owner of the home is the landlord and the renter of the home is the tenant. Landlord-Tenant law specifically lays out the rights and responsibilities of both the landlord and the tenant. The explanation here is only intended to be a brief summary of Landlord-Tenant law. There are many other rights and responsibilities of a landlord and a tenant that are not discussed here and you should consult an attorney about those other rights and responsibilities.

### **What are some of the rights and responsibilities of the tenant?**

The tenant has a right to expect that the home being rented will be in proper condition and that if anything needs repair, then the landlord will make certain to have it repaired. The tenant has the responsibility to pay a *security deposit*, which is a deposit made in case there are damages to the home caused by the tenant. The tenant has the right to fill out an inventory checklist when he or she moves in to list all prior damage to the home so that the tenant will not be held responsible after moving out. The tenant has the responsibility to pay the rent in full each time that it is due and to pay the rent on time. The tenant also has the right to expect that if the landlord wishes for the tenant to leave, then the landlord has to notify the tenant in writing with a document called a *Notice to Quit* that he wants the tenant to move and then if the tenant does not move, then he or she must be evicted through a court proceeding.

### **What are some of the rights and responsibilities of the landlord?**

The landlord has the right to expect that the rent will be paid by the tenant on time and that the rent will be paid in full. The landlord has the right to expect that the tenant will inform him or her if repairs need to be done. The landlord has the responsibility of ensuring that the needed repairs are done in a reasonable amount of time, either by the landlord or by someone hired by the landlord. The landlord has the responsibility to pay back the security deposit within 30 days of when the tenant

moves out. If there are damages, the landlord must send the tenant a list of damages and if the tenant disputes the damages, then the landlord must sue the tenant in Small Claims Court in order to keep the security deposit. There are specific requirements regarding the security deposit and you should consult with an attorney for specifics about those requirements.

### **How does the eviction process work?**

There are certain procedures for evictions that a landlord must follow. If there is a lease (a written contract between the landlord and the tenant), then the landlord may only evict the tenant for violating one of the terms of the lease. If there is no lease between the landlord and the tenant, or if the lease is for a “month-to-month” time period, then the landlord may evict the tenant for any reason or no reason at all, except for retaliation against the tenant for the tenant’s attempts to enforce his/her rights, such as the right to have repairs done. Before the landlord can file an eviction case in court, the tenant has a right to receive a document called a Notice to Quit, which is a written request from the landlord that the tenant move out of the home or if the tenant is not paying the rent, then the request is for the tenant to pay the rent or move out of the home. The law requires that the Notice to Quit have certain deadlines depending upon the type of eviction. For example, if the eviction is because the tenant is not paying the rent, then the Notice to Quit only has to allow for 7 days to either pay the rent or move out. If the eviction is for a reason such as violating a lease provision, or for no reason at all, then the Notice to Quit has to give the tenant the amount of time to move that is equal to the time between the next rent payment. For example, if the tenant pays rent one time per month, then the Notice to Quit has to give the tenant 30 days to move out. If the tenant does not move out of the home by the date specified on the Notice to Quit, then the landlord must file an eviction case in court against the tenant. If the tenant is evicted at the court hearing, then most likely, the tenant will only have 10 days to move from the home. Otherwise, the landlord can get a court order allowing the sheriff to remove the tenant and the tenant’s belongings from the home on the 10th day. If the eviction is because the tenant has not paid the rent, then the judge may give the tenant 10 days to pay the rent that is owed or move. Otherwise, the landlord can get a

court order allowing the sheriff to remove the tenant and the tenant's belongings from the home on the 10th day. In Michigan, there is no such thing as a "self-help" eviction in which the landlord just removes the tenant from the home or locks the tenant out. These types of actions are illegal and the landlord can be liable for money damages to the tenant.

## **Bring the Michigan Supreme Court into Your Classroom**

Discover the history of the state's highest Court, understand its role as an administrative judicial body, research the process of taking a case before the Court and the effect of its decisions. Discuss the ideas of constitutional rights, justice, and law.

The Michigan Supreme Court Historical Society, a nonprofit organization dedicated to the preservation of documents, records, and memorabilia relating to the Michigan Supreme Court, will soon be offering lesson plans on the history, role, and organization of the Michigan Supreme Court for use by high school and junior high school teachers.

These lesson plans, which will be researched and designed by qualified educators, will be available to interested teachers in the Fall of 2001. Each plan will include a two-week unit outline, supporting materials, lecture notes, and visual aids. Each unit plan will be appropriate for the targeted age group and will provide recommendations for various final projects.

For more information about the content and availability of these materials, please contact Ms. Angela Bergman, Executive Director, Michigan Supreme Court Historical Society, 306 Townsend Street, Lansing, MI 48933, (517) 346-6419.