

SO NOW YOU ARE 18

- ✓ Citizenship
- ✓ Where You Live
- ✓ Family Law
- ✓ Dissolution of Marriage or Legal Separation
- ✓ Other Estate Planning Documents
- ✓ On The Job
- ✓ You're Under Arrest
- ✓ On the Road (Motor Vehicles)
- ✓ At The Store



Introduction

This booklet is designed to give you some basic information on your new rights and responsibilities when you turn 18 and become an adult in the eyes of the law.

As an adult, you have many new rights, including the right to:

- vote in public elections
- hold a public office
- rent an apartment in your name
- buy a car in your name
- get credit in your name
- get married without your parents' consent
- get medical treatment without your parents' consent
- join the military without your parents' consent.

In addition to your new rights, you also have many new responsibilities, including:

- registering for the draft (if you are male)
- your support (your parents are no longer required to support you)
- paying back any money that you borrow
- accidents or injuries you cause
- your actions as an adult (juvenile law no longer applies to you)
- jury duty, if called to serve on a jury.

This booklet will provide brief answers to some of the questions that you may have about your rights and responsibilities as an adult. It may only answer some of your questions. For more information, turn to the “Resources” section at the back of this booklet.

Citizenship

Military Service

You can join the military at age 17 with your parents' consent. However, once you turn 18, you can join without your parents' consent.

Every male U.S. Citizen and Immigrant born after January 1, 1960, must register for selective service (the draft). U.S. citizens or immigrants who are assigned male at birth and changed their gender to

female are still required to register. Individuals who are assigned female at birth and change their gender to male are not required to register. You may register for the draft 120 days (four months) before your 18th birthday, but you must register within 30 days (one month) after your 18th birthday. You must keep your registration updated until your 26th birthday. Selective service registration forms are available at any local post office, and you can now register online at sss.gov.

The penalties for not registering are fines up to 250,000 dollars and the possibility of spending up to five years in prison. Also, you may not be eligible for federal jobs or financial aid if you fail to register.

Voting

General elections are held on the first Tuesday (after the first Monday) in November in even-numbered years, and ballot-issue elections are held on the first Tuesday in November in odd-numbered years.

To vote in an election in Colorado, you must be:

- A citizen of the United States
- A resident of a Colorado precinct for 22 days before the election
- 18 years old on or before the election date, and
- Registered as a voter at least 8 days before the election if you are voting online or by mail. You can register up to election day if you are voting in person.

If you have a valid Social Security Number, Colorado Driver's License or Colorado I.D., you can register online at coloradosos.gov/voter/pages/pub/olvr/verifyNewVoter.xhtml. If you need help, call the county clerk for the county where you live or the election commission office for the county where you live to find out where to register. It is possible to register to vote at any driver's license office or public assistance agency, many public libraries, by mail if you use an approved form available at any county clerk's office, or online at coloradosos.gov/pubs/elections/vote/VoterRegFormEnglish.pdf. For voter registration forms and clerk and recorder information, visit coloradosos.gov/voter/

pages/pub/home.xhtml. If your 18th birthday is less than twenty-nine days before the election, you may still register (at least twenty-nine days before the election date), even if you aren't 18 when you register. Colorado allows pre-registration of all eligible voters at 16, though you can actually vote once you are 18.

You will be required to show a valid photo ID when you vote.

Jury Duty

You qualify for jury service if:

- you can read and write English
- you are at least 18 years old
- you are a citizen of the United States
- you reside in Colorado, in the county that you have been summoned in, at least 6 months of the year, and
- you have not served on a jury in court in the last 12 months.

Names of possible jurors are selected at random from voter registration lists. A notice to appear in court is sent (you can have one postponement of your jury service without a specific reason). More jurors are called than will be needed to hear a case because some people may be excused or disqualified.

The judge may excuse jurors if they have a physical or mental disability (one must show medical proof of the disability to be excused) or if one is the sole caretaker of a disabled person who lives in the same home. The judge may disqualify a person from jury service in a particular case if the person is a witness in the case, related by blood or marriage to one of the parties, prejudiced for or against a party, or if the person has a financial or legal interest in the subject matter.

Once a group of jurors is assigned to a case, the judge and lawyers may ask the jurors questions. Then, the lawyers may ask that some jurors be excused for cause, such as bias or financial interest, or for no particular reason. When a lawyer asks that a juror be excused for no particular reason, it is called

a preemptory challenge. Each lawyer has a specific number of preemptory challenges available to them.

If you are sent a notice for jury service and are not excused for any reason, you must serve at least one day as a trial juror. The length of the trial will determine how long jurors will serve.

Grand jurors serve for twelve months. They are called to help with investigations and indictments but do not hear trial cases. They listen to testimony and evidence as a trial juror would but do not decide guilt or innocence; they determine, based on the evidence, whether a case warrants going to trial.

Jurors will be paid for jury service by the court or one's employer (up to \$50 per day). The employer must pay regular wages for the first three days of jury service. The pay rate for part-time and temporary employees will be determined by their salary for the three months preceding jury service. If you are unemployed, you may get reimbursed by the court (up to \$50) for daycare expenses, travel expenses, or other necessary expenses (not including food). After the third day, all jurors receive \$50 per day from the state.

If you are a college student not living in your home county, and you receive a jury summons from your home county, you have two options:

1. You can contact the jury commissioner via the phone number or email on your summons and postpone your service until you can attend in your home county.
2. You can have them transfer your registration to the county where you attend school.

Taxation

Taxation without representation was a major motivating factor in America's fight for independence and self-determination. A tax is a burden or charge assessed by federal, state, and local governments to generate revenue. There are many types of taxes.

The federal and state governments assess and collect income taxes from individuals, corporations, partnerships, trusts, and other legal entities. Even

children under 14 years of age may be taxed on income. Every U.S. citizen and every U.S. resident must file an income tax return if their gross income is \$2,550 or more for the tax year. Income tax returns must be filed by April 15 every year. An automatic extension for filing the return may be obtained. However, the correct amount of tax must be paid by April 15, or the taxpayer may be liable for penalties and interest. Employers must withhold money from their employees' wages and forward it to the Internal Revenue Service ("IRS") for their employee's projected federal and state income taxes. Self-employed individuals may have to pay estimated amounts for income taxes to the IRS and the state of Colorado quarterly. Income tax laws are complex and change regularly, and it is recommended that a tax expert be consulted when preparing income tax returns.

Most employers must withhold the Federal Insurance Contributions Act ("FICA") tax from wages paid to their employees and pay FICA tax on the wages paid to each employee during the calendar year. Self-employed people are also required to pay FICA tax. The FICA tax generates revenue for Social Security and other programs. Social Security is a comprehensive contributing insurance plan to protect workers and their dependents from the risk of loss of income due to old age, death, or disability.

Federal and state governments also impose excise taxes. Excise taxes are imposed on specific goods that give people the right to exercise a privilege, such as fuel, alcohol and tobacco.

Colorado taxes motor vehicle owners annually based on the taxable value of their vehicles. The amount of tax decreases as the motor vehicle ages, and its value decreases.

The state, counties, and special districts also assess taxes on real and personal property owners. Real property is land, including improvements on it (houses, buildings). Personal property is anything other than real property. Personal property is generally movable, while real property is not. The

amount of the tax, typically, is based on the value of the property at a particular time and location. There is an appeal process if the taxpayer disputes the assessor's valuation. The type of property determines the rate at which the property is taxed. Commercial, residential, and agricultural properties are taxed at different rates.

The City and County of Denver collects an employment head tax for all persons employed within its jurisdiction. Anyone working in Denver and earning at least \$500 per month must currently pay \$5.75 per month. Likewise, employers must currently pay \$4.00 per month for each employee.

Immigration

United States immigration law tends to assume that anyone who is not a U.S. citizen or national residing in the United States remains loyal to the country from which they came. When tensions arise between the United States and another country, the United States has the power to detain or remove the citizens of that country.

It is the duty of every non-U.S. citizen or national in the United States who is 14 years of age or older, has not been registered and fingerprinted, and remains in the United States for thirty days or longer to apply for registration and be fingerprinted within thirty days of arrival.

If you are a non-U.S. citizen or national, you must always have documents that show that you are lawfully admitted for permanent residence in the United States.

If you are a student, you should always have your passport and registration statement, evidence of enrollment from your school, evidence from school officials showing that you are maintaining the proper number of credit hours, and proof of your current address.

If you are a lawful permanent resident, you should always have identification with a photograph that clearly indicates your status. A U.S. passport is in your best interests if you are a naturalized

citizen. Remember that you are entitled to all citizens' services and protections. Contact your congressional representative or one of the many state agencies if you need assistance.

A partial list of websites related to immigration is listed in this booklet's "Resources" section.

Where You Live

Renting

If you rent an apartment or a house, you are considered a "tenant" or "lessee" of the premises. The person (or company) from whom you rent your living space is regarded as the "landlord" or "lessor." You need to understand the basic aspects of the landlord-tenant relationship to know your rights and responsibilities if a problem arises.

The Lease

After you find a place to rent, you will probably be asked to sign a rental agreement called a "lease." A lease is a contract that spells out the rights and responsibilities of both the tenant and the landlord. Your lease should always be in writing and signed by you and your landlord. Even if you are told that the lease is a "standard" form that cannot be changed, you should take the time to read the entire document before you sign it. If you need help understanding any part, ask someone knowledgeable in landlord-tenant law to explain it. (See the "Resources" section at the end of this booklet.) Retaining a fully signed copy of your lease and any other papers you are asked to sign is a good idea. If the landlord tells you one thing (e.g., "Sure, you can have a dog."), but your lease says something else (such as, "Pets are prohibited"), the lease will usually control.

Rent

Although all of the paragraphs in your lease are important, you should pay particular attention to the ones concerning rent, security deposit, repairs and maintenance, the duration of the lease, and renewal or termination at the end of your lease. The lease language regarding rent should help you answer basic questions, such as: How much

will you have to pay? When, where, and to whom must you pay your rent? Is there a "late charge" if your rent is paid after a specific date? Are there other consequences of not paying your rent by a particular date each month? How often and by how much can your rent be increased? Must you accept a rent increase? What do you get for your monthly rent? Is heat included? What about other utilities, like water, trash, sewer, electricity and Internet?

Security Deposit

When you sign your lease, your landlord probably will require you to pay a security deposit in addition to your first month's rent. That deposit, usually equal to one or two months' rent, is intended to protect the landlord if you violate the lease (for example, by causing damage to the property beyond "normal wear and tear").

Under Colorado law, your landlord must return your security deposit within one month after you move out unless your lease allows for a longer period, which can be up to sixty days. If your landlord retains some or all of your security deposit after you move out, they must provide you with a written statement listing the exact reasons. If your landlord does not follow these rules, you can sue to recover three times the amount wrongfully withheld, plus attorney fees and court costs. However, you must notify the landlord via certified mail of your intention to file a lawsuit at least seven days before you go to court.

Repairs

While renting, something in your living space may break or stop working. Before that happens, you should check your lease to see who is responsible for making or paying for repairs. You should notify your landlord in writing before calling a plumber or any other repair person whenever possible. Many apartments have onsite maintenance technicians who will address maintenance needs quickly, at no cost to you. If you end up paying repair costs out of your pocket, you may be tempted to deduct those amounts from your next rent payment, but be careful because your lease may not allow for

such deductions. If there are severe maintenance problems (such as no water or heat) and the landlord fails to correct them within a reasonable time, you may have legal grounds for ending your lease and moving out.

Term

Most residential leases extend for a fixed period or “term” (such as six months or one year) when the rent cannot be changed. Some leases provide for a month-to-month rental if you stay (or “hold over”) past the end of the original lease term. However, other leases provide for an automatic renewal unless you give a termination notice for a certain period (commonly thirty days) before the end of the term. If your lease has a renewal provision like that, watch the calendar carefully, or you may find yourself responsible for paying rent at a place you don’t even want to live in anymore!

Ending Your Lease

Assuming you have not violated any of the terms at the end of a lease, you may have the option to move out or renew. If you choose to renew and continue living there, you may have to sign a new lease with updated agreements. If your lease term has expired or you have violated any of the provisions of your lease, your landlord may seek to have you removed or “evicted” from the property. Unless you agree otherwise, the landlord must give you at least three days to leave or “quit” the premises. Don’t ignore if you receive a “notice to quit,” a “demand for possession,” or any other legal document addressed to you! If you fail to move out or act by the deadline, the landlord may seek a court order to remove you (and your possessions). If you’ve ever seen a pile of someone’s belongings on the front lawn outside an apartment building, you’ve seen what can happen when there’s an eviction.

When moving out of a rental property, taking photographs before you leave for the last time is a good idea. That way you’ll be able to show the condition of the place when you leave. Also, be sure to leave your forwarding address with the landlord. By law, the landlord must send only your security

deposit (or a written explanation of why it’s not being returned) to your last known address. If you cannot be reached at that address, your landlord has no obligation to track you down.

Buying

Many people prefer renting, which gives them more flexibility when relocating. For those still in school or just starting their careers, it’s common to change addresses (and roommates) periodically. Even if you’re in that category now, you may eventually want to “settle down” and buy your home. It might be a single-family house, duplex, condominium, or other housing type. Whatever the case, buying a home is one of the most significant purchases you will make. So, you should consult an experienced professional (such as a real estate lawyer or agent) before signing the dotted line.

If you are buying a home, you are called the “buyer.” As expected, the person selling the house is called the “seller.” In most cases, the buyer and the seller are represented by “brokers,” who negotiate for their respective clients. Although most negotiations usually focus on price, offers and counteroffers might also address other topics, such as whether certain fixtures will remain in the home after it is sold.

After an informal agreement is reached, the buyer and the seller enter into a formal written contract called a “purchase agreement.” The purchase agreement should be drafted and reviewed carefully, as it is the most essential document in the transaction. With your representative’s advice, you should ensure it addresses all contingencies. For example, suppose you will be financing a large portion of the purchase price with a mortgage loan. In that case, you should ensure that your obligation to buy the seller’s home is subject to obtaining a loan commitment from a bank or other lending institution.

A prudent homebuyer will often make it clear in their purchase agreement that they have the right to have a professional home inspector inspect the

property. If the inspector finds defects (sometimes not apparent to the average person), the buyer can cancel the contract within a specific time.

A buyer often will be required to deposit “earnest money” at the beginning of the transaction. That amount is not the same as a down payment, although it can be applied toward the purchase price if the sale goes through. Rather, earnest money represents the buyer’s commitment to take all necessary steps to complete the purchase. You risk losing your deposit if you pay your earnest money but don’t follow through (for example, by not trying to obtain a loan).

There are many other concepts and documents associated with buying a home. When you get to the “closing” (the meeting at which property ownership is transferred), you should clearly understand exactly what you’re getting and giving in return. If you buy a cheap car that turns out to be a lemon, you can trade it in or find a better set of wheels. A lemon car has a significant defect that makes it unsafe to drive or impairs its use, value or safety. If you rent an apartment not in a good location, you can move out at the end of your lease with no further obligation. However, the consequences can be disastrous if you buy a house with significant problems (such as expanding soils around the foundation or contamination). So, take the time to get some good advice, and look before you leap into home ownership!

Family Law

Marriage

One must generally be 18 and mentally competent to marry in Colorado. Two types of marriages are (1) the ceremonial marriage, which requires the couple to have a license, a ceremony (judge or religious), and two witnesses, and (2) the common law marriage, which is a marriage by operation of law. For a common law marriage to exist, the couple must live together, intend to be considered married, and hold themselves out to third parties and/or the community as being married, and both

people must be free to enter into a legal contract. The conduct that can be used to demonstrate the intent to be married includes having joint bank accounts, owning property jointly, filling out joint tax returns, using the same last name and wearing wedding rings. Although the couple can be considered common law married, there is no such thing as a common law divorce. The only way a common law marriage can be dissolved is through the same divorce proceedings used to end a ceremonial marriage. You cannot simply declare the relationship over.

Annulment

A court of law can declare a marriage invalid based on specific statutory criteria. Either party may bring the action to the marriage, a legal representative of a party who may not be competent or the parents or legal guardians of one of the parties.

Sufficient legal grounds for an annulment include:

- lack of legal capacity due to mental incapacity because of infirmity or to the influence of drugs/alcohol
- being underage and having not received the consent of a parent or guardian
- bigamy — the act of going through with a marriage while already married to another person.
- physical incapacity to consummate the relationship
- marriage based on fraudulent act or representation, which goes to the essence of the marriage
- duress—that is, by force or threat
- entering the marriage as the result of a joke or dare or where the marriage otherwise would be prohibited by law, such as when someone who is not legally divorced gets married again or marriage between close relatives such as an uncle and niece or a sibling (brother or sister).

Marriages are not quickly annulled. The person bringing the action must prove their case by clear and convincing evidence. That is a higher burden of proof than that typically required in civil (versus

criminal) actions. Children born of annulled marriages are considered legitimate in the eyes of the law, and both biological parents are required to support the child. However, genetic blood tests may challenge and prove or disprove paternity.

Depending on the legal basis for the annulment, the time during which annulment may be filed with the court (the statute of limitations) is generally between six months and two years.

Dissolution of Marriage or Legal Separation

Legal Separation

The procedures involved in the dissolution of marriage, divorce or legal separation are identical. All matters relating to custody, child support, parenting time, maintenance, division of property, and debt are determined during legal proceedings. The only significant difference between divorce and legal separation is that under a legal separation, the parties are still considered married in the eyes of the law. Any additional property or debt accumulated individually after the legal separation is each person's sole and separate property.

A decree of legal separation may be changed into a decree of marriage dissolution six months after the motion's entry.

Dissolution of Marriage

Colorado is a "no-fault" state, meaning that the only thing that the parties seeking to dissolve their marriage needs to be alleged is that the marriage is "irretrievably broken." Meaning that no amount of effort could fix it. At least one of the parties must have lived in Colorado for at least ninety days before filing the petition seeking dissolution. The petition may be filed in the county where either party resides or where the marital residence was or currently is. A decree of legal separation or decree of dissolution of marriage may be entered ninety days after the filing of the petition.

The critical issues in a divorce concern parental responsibilities, child support, parenting time,

maintenance, and division of property and debt. Colorado is an "equitable division" state, not a "community property" state. The parties may decide what property division is equitable, or the judge can decide. The property does not have to be divided 50-50.

The parties may agree to resolve the issues involved in their divorce. This agreement is called a "separation agreement." The court will review this agreement to determine whether it is fair to the parties and any minor children.

If the parties cannot resolve the issues independently, they may participate in mediation voluntarily or by court order. If they cannot determine the matter after mediation, they may set a hearing before the court and let the judge resolve the issues.

Regardless of what the parties agree on, the primary concern is what is in the children's best interests. This includes parenting responsibilities, parenting time, and child support.

The court will allocate parental responsibilities; that means the court will assign decision-making responsibilities to the parents." The court can award one parent sole or joint decision-making responsibility for all areas or customize the order for different areas, such as medical decisions. As part of parental responsibilities, the court also will determine "parenting time" for both parents. The parenting time allocation will determine child support. The court's decision will be based on the "best interests of the child," which includes all relevant factors, such as the wishes of the child, the relationship between the child and parents, and the ability of the parent to encourage the sharing of love, affection, the ability of each parent to support the child, the child's safety, and contact between the child and each parent. The court is not to presume a person is better suited to care for the child because of that person's sex. The court may order a professional evaluation performed by qualified mental health professionals to make

its allocation decisions. The decision-making and parenting time arrangements should be set out in a “parenting plan” submitted by the parties, or the court can create its plan.

Parentage

The first thing you need to know as an 18-year-old male is that in Colorado, if you have sexual intercourse, that results in a child. You have accepted or established parentage (paternity); without exception, you are responsible for supporting that child regardless of the relationship between you and the child’s mother.

Parentage actions have three purposes: (1) to establish the existence of the parent-child relationship, (2) to protect the parent-child relationship, and (3) to determine parentage so that it can be established who has the legal obligation to support the child and have that obligation enforced. An action to establish the parentage of a child may be brought by any interested party, including either parent, the child, the child’s legal guardian, the Department of Social Services, or a child support enforcement unit.

Any person other than the minor child may bring an action for parentage any time before the child becomes 18 years old, and an action brought by the child may be brought any time before the child becomes 21 years old.

A person who has sexual intercourse within the confines of the state of Colorado automatically submits to the jurisdiction of the state for a parentage action. The county where such action should be heard is where the child or the alleged father resides or in any county where public assistance is being paid. Personal jurisdiction over the alleged father will be necessary for a valid order for child support.

The concept of personal jurisdiction requires that the alleged father must have had sufficient contact with the state of Colorado to allow the state to have the power to order him to pay child support. Usually, sufficient jurisdiction will be found where

the child was conceived in Colorado. The minor child must be made a party to the action. A court-ordered guardian, known as a guardian ad litem, may be appointed to represent the child’s best interests.

After a parentage action has been brought, an informal hearing will be held as soon as practicable if it is determined by the court to be in the child’s best interest. At this initial hearing, there will be either an admission or denial of parentage. If parentage is admitted, a subsequent hearing will be held to determine the issues of parental responsibilities, parenting time, and child support. If parentage is denied, the parties and the minor child will be ordered by the court to undergo genetic blood tests to determine the probability of parentage. After the parentage hearing, the court will issue orders regarding the child’s parentage, the issuance of a new birth certificate, parental responsibilities, parenting time, and child support.

Child support in a parentage proceeding can be ordered retroactively to the date of the birth of the child. The father of the child may also be ordered to pay all or a portion of any unpaid medical expenses resulting from the pregnancy and birth of the child.

Any orders entered concerning the child’s best interests, such as parental responsibilities, parenting time, and child support, can subsequently be modified or changed.

Adoption

The juvenile court has exclusive jurisdiction over matters of adoption and relinquishing parental rights. For adoption to occur, the child must otherwise be “available” for adoption. The biological parents must either voluntarily consent to the adoption or have their respective parental rights terminated. Both biological parents must be notified of all proceedings for an adoption to proceed.

The procedures relating either to the adoption or relinquishment process are highly technical. The parties seeking to relinquish their child and/or consent to the adoption must undergo counseling.

Generally, an investigation must take place to determine the appropriateness of the adoption.

Domestic Violence

Domestic violence includes physical violence, emotional abuse, sexual assault, and excessive control over the activities, person, and finances of another. A victim's safety and the safety of the minor children is of primary importance. Victims can stay with family and friends, and there are also "safe houses" and shelters in most areas to assist victims of domestic violence. Shelters provide additional Security and access to resources that cannot usually be found among friends and family.

Several types of protection orders (formally known as "restraining orders"), both temporary and permanent, can be obtained through either the district court or county court if any domestic violence has occurred or is occurring. The orders frequently prohibit an individual from contacting a complaining party. These protection orders prohibit an individual from harassing, molesting, intimidating, threatening, and retaliating against the party who obtained the protection order. The restrained party may be (1) ordered to vacate the home of the victim and may be ordered to stay away from any other location where the victim may be found; (2) ordered to refrain from contacting or communicating, either directly or indirectly, with the victim; and (3) prohibited from possessing or controlling a firearm or other weapon. The court issuing the restraining order has the discretion to order additional protections that may be necessary for the victim.

A victim of domestic violence can receive assistance in completing the forms for a temporary protection order either through the clerk of the court or court volunteers from women's shelters, such as Project Safeguard. The complaint for a protection order can be filed in the county where the abuse happened, where the abuser lives, where you live, where the abuser works, or where you work. The temporary protection order will be issued only after a hearing that indicates sufficient cause exists for

the issuance of the order. The temporary protection order issued must be personally served (generally by the sheriff's department) to the perpetrator. The temporary protection order will provide a date and time for a hearing on whether the order should be made permanent. The perpetrator must appear in court on that date and time to be allowed to defend against the temporary protection order. If the perpetrator does not appear, the temporary protection order will usually be made permanent under the same or different conditions outlined in the temporary protection order.

Protection orders often include provisions for the temporary care, custody, and control of minor children, at most 120 days, pending further hearings. If additional protection or further orders for the minor children are needed, one of the parties must apply to the district court for further orders.

Violating a protection order is a criminal act that can result in a hefty fine, jail time, or prison time, regardless of whether the restraining order was issued in county or district court.

If you are a victim of domestic violence, help is available. You can call the National Domestic Violence Hotline at 800-799-7233 for support. You can also immediately report any incident by calling 911.

Estate Planning

"Estate Planning" refers to how you plan for your assets after death. Everyone who is at least 18 years of age should conduct some estate planning, if only to make matters easier on family and friends when you are no longer here. Now that you are an adult, you should also discuss these matters with your parent(s) to ensure they are also prepared. By the time you become a parent, you should be primarily concerned with selecting, notifying, and documenting decisions about who would be guardians for your children. You may also need to plan the best situation for minimizing income, gift, and estate taxes at your death. Other matters

addressed during estate planning are wishes for medical care (“advance directives”), potential disability and the orderly transfer of a business or care of pets. A “will” may be the most familiar document in estate planning. Other documents include trusts, living wills, and medical and financial powers of attorney.

Your Will

A Will allows you to leave your property (which includes money) to people or charities in specific amounts or percentages as you wish. It also names guardians for your minor children, trustees for any trust you create, and a personal representative to handle matters in your absence. A will requires two witnesses, but it can be as simple as, “At my death, I leave all of my property to my spouse.” It will likely be more involved, especially if you have children, a large estate, or a second marriage.

Specific categories of property are not included in your Will:

Retirement Plans

A retirement plan is a way to save and invest money for the future so that you can live comfortably when you stop working. There are employer-sponsored plans that allow you to save a portion of your paycheck, and there are individual retirement accounts that you can open on your own to save.

Retirement Plans, such as a personal Individual Retirement Account (IRA), and those you receive or participate in through your job (including pension, 401(k) Plans, IRAs, SEPs, Keoghs, Profit Sharing, money purchase plans, and other qualified retirement plans, will require you to complete a Beneficiary Form. This form will determine whether the beneficiary will receive plan benefits upon your death. Once you are married, your spouse must sign an agreement before you may name anyone other than your spouse as beneficiary. In Colorado, the benefit is generally payable to your estate if you do not complete a Beneficiary Form with your plan.

Life Insurance

Life insurance is a financial product that provides a payout to your beneficiaries when you pass away. These benefits are paid to the beneficiary you name on the life insurance Beneficiary Form.

Joint Tenancy Items

Upon the death of one joint tenant, the law automatically transfers the property to the surviving joint tenant. Joint tenancy items include most checking and savings accounts, your Transfer on Death (“TOD”) brokerage accounts, if any, and your home and other real estate, if titled as joint tenants. (If your home is titled in something other than Joint Tenancy, it will pass under a Will).

Trusts

Trust is a triangle-like relationship. As its creator, you appoint the trustee, who holds title to the assets and manages them for the benefit of the beneficiary(ies). You name those who will receive your property (called the beneficiary (ies)) and when the trust will end. Colorado has passed a statute that allows you to create an Honorary Pet Trust to set up care for your pet(s) after your death.

Probate

Probate is the name given to the process where, after death, your property is identified and collected, debts and taxes are paid, and your assets are distributed according to your Will (or, if you have no will, according to Colorado’s laws for “intestate succession”). Probate in Colorado can be simple if you have a sizable estate. It is often completed in one year or less. Wills are subject to probate, but the four categories described above are not (and are called “non-probate property”).

Living Trust

You may hear advertisements for setting up a Living Trust. A living trust is a way to manage your belongings while you are alive and make it easier to pass them on after you die. These tend to cyclically become popular and unpopular or preferred or opposed by various experts. The fact is that there are some distinct advantages and disadvantages

to establishing a Living Trust. Should you have any interest in establishing one, be sure you do so only with or under the guidance of a licensed attorney. This is for your protection.

Other Estate Planning Documents

Living Will

A Living Will states that you do not want to be kept alive by artificial life support systems if you are terminally ill, unconscious, and beyond hope of recovery. In Colorado, the law addresses life support (i.e., respirators, heart machines etc.) and whether food and water are withheld. A Living Will only goes into effect 48 hours after two doctors certify that you are in a terminal condition and cannot make decisions on your own. A Colorado doctor must follow its instructions.

Medical Power of Attorney/Health Care Proxy

This names another person to act for you in making medical decisions. It is used if you are unable to make decisions for yourself. It can be a simple appointment for a person to make all decisions, or you can customize it by listing each specific procedure to be given or withheld.

Note that certain medical and religious institutions also assist with approving or preparing these documents.

Do Not Resuscitate Order/Advanced Medical Directive

While you may be young and healthy, your parents, the elderly or the terminally ill of any age may desire a document, medical bracelet or necklace that directs medical personnel not to give CPR or not to give it under certain circumstances. Your doctor can provide you, a friend, or a family member with the appropriate bracelet or necklace.

Anatomical Gift

There is a provision on the Colorado driver's license to indicate whether you choose to be an organ donor. Additionally, you can designate any part of your body for transplant or research by adding a

provision in your Living Will or your Medical Power of Attorney.

Financial Power of Attorney

This is a document used to name another person (your agent) to act on your behalf for legal and financial matters (such as selling your car). By appointing an agent, you can avoid a court procedure to appoint a conservator if you become disabled or unable to make your own decisions. You can write the Power of Attorney broadly to cover all acts, or you may specify and limit the acts you authorize.

On The Job

Employment and Benefits

Now that you are 18, it's time to get to work. However, before doing so, you must have a Social Security number. If you do not have a Social Security number, call the Social Security Administration Office at (800) 772-1213 or apply here: ssa.gov/number-card/request-number-first-time.

Benefits

When you interview for a job, there are several benefits you need to discuss with the employer. It is essential to know if your employer carries a health/medical insurance plan and, if so, when the coverage begins, especially since your parent's health insurance plan may no longer cover you. You need to understand what your employer's insurance plan covers and when and how to use it once you are covered. If you don't have insurance and you get sick or hurt and are unable to work, you may be faced with substantial medical bills. In addition, find out whether your employer provides dental insurance, life insurance, disability insurance, and even a retirement or 401(k) plan. Some of these benefits may be optional, and it is necessary to understand how they work and how much you will be required to pay out of your pocket. Some employers hand out a manual of benefits and services to new employees. Keep this handy and review any updates you receive.

Contracts

Although a written employment contract is not necessary or standard, your employer may present one. Most employment contracts are verbal, not in writing. An “at will” contract means an employer can fire an employee at any time without warning or for no reason. Of course, there are exceptions. An employer may not fire or discriminate against someone because of race, sex, color, religion, national origin, physical or mental disability, or age. Many employers have a manual that explains policies and procedures and an “employee handbook” which describes rights and responsibilities. You should ask about each of these and become familiar with them. If there is a problem at work, follow any procedures outlined in any manual or handbook you receive.

Pay

New employees should understand how much they will be getting paid and how often checks are issued when hired. If you disagree with the employer about the amount you are being paid, or if they fail to pay you, the Colorado Department of Labor and Employment, Division of Labor Standards and Statistics, can help. In Colorado, call (888) 390-7936. This agency ensures that the wage and hour laws are enforced. Colorado law allows you to pursue a wage claim against the employer if you are not paid when you are supposed to be. If a legal action is necessary and you win, you are also entitled to your attorney’s fees.

Discrimination

Job discrimination occurs whenever an employer makes decisions about an employee’s hiring, wages, working conditions, promotions, vacations, or other benefits based on the employee’s age, sexual orientation, gender, race, color, national origin, marital status, physical or mental disability, or religion. Discrimination is illegal. Suppose a job can be performed only by people of a particular sex or by people having specific physical or mental capabilities. In that case, it is lawful for an employer to hire anyone meeting such job qualifications.

Suppose you believe someone has discriminated against you because of your race, sex, color, religion, national origin, physical or mental ability, or age. In that case, you should contact the Colorado Civil Rights Division at (303) 894-2997 or (800) CO CIVIL or the local Equal Employment Opportunity Commission at (303) 866-1300. You can contact an attorney who deals with employment law and discrimination in the workplace.

Sexual Harassment

It is against the law to “sexually harass” another person. Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, verbal or physical contact of a sexual nature that interferes with the person’s performance on the job, or sexual conduct that creates an intimidating, hostile or offensive working environment. It is illegal for an employer to refuse to hire or promote someone for refusing to submit to sexual advances. It is also unlawful to fire someone for refusing to submit to sexual advances. A “hostile working environment” is difficult to define. It may be created by sexual jokes, sexual photos, or other behavior that makes the person feel uncomfortable. It is usually a pattern of behavior, but it also may involve a single offensive incident.

Sexual harassment also can occur in high schools and colleges. Most schools have specific sexual harassment policies and complaint procedures. If you believe your rights have been violated under these standards, your first step is to see if your employer or school has a sexual harassment policy and follow its procedures. Contact an attorney to advise you of your rights if this fails to lead to immediate satisfactory results.

Unemployment Compensation

Consider this: You’ve worked for a company for a while, and suddenly, your job is eliminated, or you are terminated or “laid off.” You can apply for unemployment benefits when you are out of work. Unemployment benefits typically do not equal what you previously made, which immediately incentivizes you to look for work again.

In Colorado, to collect unemployment benefits, you must be partially or fully unemployed, meet the wage requirements, register for work at an unemployment or job service office, claim benefits, be able and available to work, and actively look for work. You may be eligible if you were fired for reasons unrelated to your job, were unable to do the job, left a job due to illness, were not eligible for rehire, or were laid off. You have a right to appeal any decision concerning your eligibility. You must report your job search efforts while receiving benefits. Be prepared to provide names of companies and people you've applied to work for and interviewed with. You also must report all temporary or part-time work and wages earned. In Colorado, you may receive up to twenty-six weeks of benefits. For more information, call (800) 388-5515 or (303) 318-9000 in the Denver metro area.

Workers' Compensation

You may be entitled to workers' compensation benefits if you are injured on the job. All employers are required to carry insurance or be self-insured. Your employer's insurance pays for reasonable and necessary medical benefits to cure and relieve the effects of your job-related injury. This includes medical/doctor bills, prescription medicines, supplies prescribed by your physician, and mileage to and from your medical appointments. You may receive two-thirds of your average weekly wage if you are off work for more than three days under physician orders. This must be paid at least every two weeks. You also may receive temporary partial disability benefits when you can return to work only on a part-time basis or are earning less than your date-of-injury wage, permanent partial disability benefits when full recovery from the injury is not possible, permanent total disability benefits when you are unable to earn any wages in the same or other employment, and disfigurement benefits for any scarring that resulted from the injury or surgeries after the injury. You can find information on Workers' Compensation benefits here: cdle.colorado.gov/dwc/injured-workers/understand-potential-benefits.

When you are injured on the job, you must report the injury in writing to your employer immediately [the number of days you have to report the injury depends on your company], or you may lose benefits. Be sure to read the company handbook. You should seek medical care as soon as possible. In Colorado, your employer can select the physician who will examine you. If the employer makes no selection, the employee can select the doctor. Suppose the employer fails or refuses to file an Employer's First Report of Injury. In that case, you must file a Worker's Claim for Compensation with the Division of Workers' Compensation (303) 318-8700 or online at cdle.colorado.gov/dwc/injured-workers/file-a-workers-compensation-claim, within two years of the injury. Consult with an attorney familiar with worker's compensation law before you sign anything or attempt to bring any action against the employer as a result of an on-the-job injury.

You're Under Arrest

Police Stops

Now that you are 18, juvenile law no longer applies to you. Therefore, the stakes are much higher. If you get in trouble with the law, you must be better informed about your rights.

When can a police officer stop an individual?

There are three types of encounters with police: (1) a consensual stop, where a police officer can ask some general questions; (2) an investigatory stop, where a police officer has a reasonable suspicion that a crime has been committed, is being committed, or is about to be committed; and (3) an arrest, where a police officer has probable cause to believe a crime was committed and the person who has been arrested committed the crime. Regardless of why the police have stopped you, treat the officer with respect.

Does a police officer have the right to stop an individual to ask general questions if the officer does not suspect criminal activity? Yes, a police officer may prevent a person and ask for that person's name, address, telephone number, and

what that person is doing, even if there is no suspicion of criminal activity.

What if a police officer stops you to ask more specific questions about the possibility of criminal activity and your part in it; must you stay and answer those questions? Unless you are in custody, you are free to leave. Ask the police officer if you are being placed in police custody, being held or placed under arrest, or being free to leave. You do not need to stay and answer questions if you are not being held. You may stay and answer questions if you like; however, anything you say will be on record and may be used against you in court. If you are in custody, the police must give you a “Miranda warning” to advise you of your rights.

Search Warrants

Generally, a police officer must have a search warrant before searching a particular person or place. A search warrant is an order issued by a judge based on sworn testimony that establishes probable cause.

However, there are some instances when a police officer does not need a search warrant:

- When you are lawfully arrested, police officers may search you and the area immediately surrounding you, including your car’s interior and trunk.
- Police officers may search you or your property without a warrant if you consent.
- Police officers may pat down your outer clothing or search certain parts of your car if they reasonably believe you are armed.
- Police officers sometimes may search without a search warrant when there is not enough time to get a judge’s approval because of emergency circumstances or because evidence may be removed or destroyed.
- School officials can search a student without a warrant as long as the search is reasonable.
- Police can seize evidence that is in plain view without a warrant.

If stopped by the police, you are not obligated to consent to a search, even if you are pressured to consent. If you do not consent to a search, do not interfere with whatever search may take place. Ask the police officer to note that you do not consent. If you voluntarily consent to a search, anything the police find may be used as evidence against you.

Arrests

Do not ever struggle with the police if you are arrested. Do not fight, swear, or argue even if you think the arresting officers are making a mistake. Resisting arrest and assaulting a police officer are separate crimes that can be charged and proven, even if it turns out you were arrested in error. You will help yourself more by remembering the arrest details, including the officers’ names and statements, and informing your attorney of those details.

Tell the police your name, address, and phone number. You may answer questions and discuss your situation with them; however, anything you say may be entered as part of the record and used against you in court. Police officers cannot use threats to force you to answer questions and cannot bargain leniency in exchange for your statement. You can call an attorney or a trusted family member for advice.

If you are under arrest or are in the presence of the police and not free to leave, the police must read to you what is known as your “Miranda rights” before they can question you. These are:

- the right to remain silent
- that anything you say can and will be used against you in a court of law
- the right to have an attorney represent you
- the right to have an attorney present before any questioning
- the right to have an attorney provided for you if you cannot afford to provide your own.

Crimes

Crimes are divided into two categories: felonies and misdemeanors.

Felonies have penalties that may include a state prison sentence of one year and one-year probation, up to life in prison, and/or a fine of up to 1 million dollars.

There are three classes of misdemeanors in Colorado. Class 1 misdemeanors are the most serious, carrying a possible maximum jail sentence of 24 months, a fine of up to \$5,000, or both. Class 2 misdemeanors carry a possible maximum jail sentence of 364 days or \$1,000, or both. Class 3 misdemeanors carry a possible maximum six-month jail sentence or a fine of up to \$750, or both. Jail sentences for misdemeanors are served in non-state correctional institutions unless served concurrently with a term for conviction of a felony. Unclassified misdemeanors carry a possible maximum jail sentence of up to 1 year and a \$1,000 fine or both.

If you are arrested, you can expect to be thoroughly searched, handcuffed, and taken to the police station.

It would help if you were taken before a judge or magistrate without “unnecessary delay” after arrest. Usually, this will be done within twenty-four hours, but the delay may be longer on weekends or holidays. This appearance is called an “arraignment.”

You appear in court at the arraignment and are formally charged with a crime. It would help if you pleaded guilty or not guilty. The arraignment is a critical step. If you plead guilty, you will be sentenced. If you plead not guilty, a trial will be scheduled where the prosecution must prove your guilt beyond a reasonable doubt. You should fully understand the charges and your rights before pleading. Do not hesitate to ask the judge to explain the proceedings. Consider consulting an attorney if you have not already done so.

In most cases, you will be released on bail after arrest. At the bail hearing, the judge will set an amount of money to be paid to the court. This money “guarantees” your appearance at all hearings and the trial. The judge may impose other

conditions on your bail, such as restrictions on travel out of state.

Before trial, you and your attorney gather evidence to present to the court. At trial, evidence will be presented to the judge or jury, who will weigh the evidence, apply the law, and decide if you are guilty or not guilty. The case is closed if you are found not guilty, and all charges against you are dropped. If you are found guilty, the judge imposes a sentence, including imprisonment, a fine, probation, community service or restitution to the victim. A guilty verdict may be appealed if it is believed to be erroneous.

Legal Representation

You can find an attorney by looking online, or you can ask friends or family to recommend an attorney. The Colorado Bar Association’s Licensed Lawyer (cobar.org/licensed-lawyer) is a good resource. Some attorneys offer a free consultation. Remember, if you meet with an attorney and wish to avoid hiring that attorney, you can always call another attorney. If you later choose not to hire the attorney with whom you had met and discussed your case, that attorney cannot disclose whatever you may have said without your permission.

If you cannot afford an attorney, the court will appoint one. If you do not qualify for a court-appointed attorney, there are agencies and programs to help you. You may contact Colorado Legal Services, the University of Denver College of Law Student Law Office, or the University of Colorado School of Law.

On the Road (Motor Vehicles)

Buying a Car and Repair Work

Under Colorado law, an 18-year-old can enter into contracts. That means you need to be careful before you buy or lease any vehicle or bring it in for repair.

Check the reputation of the dealer or shop you are considering. Be particularly careful if you’re considering a private sale from a friend or through a newspaper ad. Be sure the seller has the original

proof of ownership—the “title”—to the vehicle.

Get information from both friends and adults who have done business with the seller or service provider. Another good resource to check is the Better Business Bureau or online reviews regarding the seller’s or service provider’s reputation. Only sign or agree orally to purchase a vehicle or to leave your car for repair once you have received a signed written estimate of the costs from the seller/repairer.

Do not sign anything on the first visit when buying or leasing a vehicle. Take your time. If the salesperson pressures you, walk out. If you decide to come back, they will most likely take your business, and if not, you probably don’t want to do business with them anyway. Get an inspection or second opinion from a competent mechanic before you sign anything for a used vehicle.

Be sure to check the vehicle’s “blue book” value against the price you are asked to pay. All dealers have these books (as do banks, credit unions, and the Internet), and the salesman should be happy to copy the blue book sections on the vehicle for you before you agree to buy or lease. If they do not want to, consider taking your business elsewhere.

Colorado has a “lemon law” for new vehicles with problems that can’t seem to be fixed. The law requires the buyer to allow the dealer to repair or replace the car before the deal can be undone, and the vehicle must be substantially impaired in safety, use or market value. If you think you may be entitled to relief under the lemon law, you should consult an attorney for some basic advice on how to proceed to protect your rights.

The Colorado Point System

Under Colorado law, an 18-year-old is a “provisional” driver until age 21. If a provisional driver gets 9 points in twelve months, 12 points in any twenty-four-month period, or 14 or more points during the period of the provisional license (age 18–21), his or her license will be suspended. The number of points depends on the seriousness

of the violation. For example, a simple speeding conviction for driving ten to nineteen miles over the limit is usually 4 points, whereas a DUI—driving while under the influence—is 12 points and results in automatic suspension of the license.

Automobile Insurance

As you probably know by now, automobile insurance is mandatory under Colorado law. Do not, under any circumstances, drive without it. The operation of any motor vehicle, even a motor scooter, on any public street without proof of the minimum mandatory insurance is a crime under Colorado law. Lack of proof of insurance is punishable by fines and points assessed against your driver’s license.

The law generally requires that you carry minimum liability and uninsured motorist coverage. Check with the agents of several insurance companies for quotes on their coverage. Compare the prices and coverages, as they may vary widely, particularly for young drivers. Do not assume someone else’s insurance will cover you if you drive their vehicle. Be sure to have proof of current insurance before you drive any vehicle.

Automobile Registration

Colorado law requires that all vehicles operated within the state must be registered with the Colorado Department of Motor Vehicles. Failure to do so can result in a citation, fines, and the addition of points to your driving record. Each county has one or more registration offices that can be found online. Your rear license plate should have a sticker showing the date of expiration of the registration. A thirty-day grace period is allowed after the last day of the month, as shown on your plates, to re-license your vehicle.

Mechanic’s Liens

A mechanic’s lien is a legal claim that can be filed by anyone who provides labor, materials or services to improve property. If you leave your car for service and you do not pay your bill on time, the mechanic can assert a “lien” and keep your vehicle until you

pay the bill, plus reasonable storage fees. The mechanic can “reassert” a lien by picking up your vehicle from a public place with a tow truck if your payment is returned for insufficient funds. Be sure to get a written estimate for the repairs before you leave your vehicle, and do not authorize additional work without another written estimate. Mechanic’s Liens also apply to real property.

Accidents

If you are in an accident, immediately check to make sure that you and the others involved are not hurt, and then call the police. If there is even the slightest injury, call an ambulance or 911. Then, call your insurance agent and report the accident. Do not make any statements admitting responsibility to other drivers that are involved. While accidents sometimes appear to be one party’s fault, they may, in fact, be another’s fault. Statements made immediately after an accident may come back to haunt you later if there is a lawsuit. It is in your best interests to truthfully answer questions from the police. Many insurance companies recommend that you take photos to document any damage on site. You should also make sure to get the driver’s license number, the automobile’s license number, and the make, model, and color of the other car involved.

Driving while Under the Influence of Drugs, Alcohol or Intoxicated

You already know by now that driving under the influence of drugs or alcohol is a very serious criminal offense. If you drink or do drugs and drive, you will lose your license, go to jail and be required to do community service, including alcohol classes, and probably spend more than \$10,000 in fines, costs, and legal and court fees. Your insurance rates will also skyrocket.

If you are stopped by the police and you refuse to be tested for drug or alcohol content, your license is automatically suspended for one year, and you will likely spend at least one night in jail. If you are asked an incriminating question like, “Have you been drinking,” you may want to simply say, “I

refuse to answer.” Then, ask to talk to an attorney. Do not admit to drinking anything, but never lie to the police.

Driving with a BAC (blood alcohol count) of only .02 (about one beer or less) is a misdemeanor for any person under 21 years of age. You may also get charged with a Minor in Possession (MIP) in addition to the DUI charge. If you are charged with any alcohol-related offense, you should consult a lawyer.

At The Store

Consumer Credit and Protection

Purchasing goods and services with a credit card is a part of modern life. As you may know, credit is easy to get. You may be required to have your mom or dad “co-sign” with you on your first application. The important thing to remember is that the way you use the credit you get will have a lasting impact on your future credit record and your ability to get additional credit. A bad credit incident can keep you from getting that new car loan or even a loan on your first home. You can keep track of your credit score via the three credit reporting agencies: Experian, Equifax and TransUnion. Your credit score helps determine how much money you can borrow and the interest rate on that money.

A credit card gives you access to a revolving line of credit. That line of credit is set by a credit limit. You borrow against the credit line, repay that debt and borrow again without having to reapply for a credit card, but you cannot borrow more than your credit limit allows. Your credit card statement has a minimum payment each month that you must pay in order to avoid late fees. Missed payments can result in late fees that get added to your credit card balance.

The credit card company charges interest on the unpaid portion of the bill. These interest rates vary by card but can range from 0% to 30%. That interest will continue to compound until you pay off the full balance.

Sometimes products or services purchased with a credit card may cost more or be assessed service charges above the original cost. For example, gasoline purchased with a credit card may cost more than gasoline paid with cash or by check.

The Colorado Consumer Protection Act and the Federal Unfair Trade Practices Act prohibit the use of any unfair or deceptive act, practice, or unfair method of competition in trade or commerce within the state of Colorado. Just a few of the practices that are prohibited under the law are:

- misrepresenting the value of goods and services being purchased
- misrepresenting goods as new or original when the seller knows they are used, altered, or reconditioned
- falsely advertising goods, services, or property without the intention to sell them as advertised
- advertising more items or different items than what is actually available
- making false or misleading statements concerning the price of goods and services
- attempting to sell, by telephone or in-person, without identifying within thirty seconds the company being represented.

This list does not include all the actions prohibited under the law. If you feel a merchant has cheated you, first complain to the merchant. If the merchant does not satisfy your concerns, you may want to contact an attorney, the Colorado Attorney General's Office (Consumer Protection Division), or the Consumer Fraud Division of your District Attorney's Office for guidance. You may want to file a claim in Small Claims Court (more about this below). If you feel you have been unfairly dealt with, the worst thing to do is nothing. The law limits the time you have to complain about your treatment. Registering a complaint after a lengthy time makes it much harder to prove the facts. Additionally, registering a complaint to the Better Business Bureau ("BBB") may help others avoid similar problems. However, just registering your complaint with the BBB will not

get you money back or solve your problems because the BBB has no legal authority to take any action.

Let's use an example: You purchase a new cell phone on credit, and it quits working after three days. Neither you nor any of your friends or family did anything to the phone to make it quit working. In this case, the store may or may not be guilty of violating one of the above "deceptive trade practices." If you return the item to the store, they should repair or replace it if you have your receipt of purchase. If the store refuses to repair or replace the unit, you should make a formal written demand for either repair or replacement. Use certified mail with a return receipt to show that your written demand notice was received by the store (and keep a copy of the letter for your records).

If the store ignores your request or responds to the request by refusing to repair the item, you can go to Small Claims Court (as long as the cost of the item or repair cost does not exceed \$7,500) and have the court rescind the agreement or make the store pay for repairs to the unit, plus pay your costs to go to court.

Do not just stop payments on the unit. This will create more problems, as the store will claim that you are in default on your obligations and may sue you for the price of the item, plus attorney fees and costs. Remember, stores sometimes get treated unfairly, and the court will listen to evidence presented by both sides before trying to make a fair decision.

That is why it is important to realize that if you go to Small Claims Court, no matter whether you are the plaintiff or the defendant, you must be prepared to prove your case. Although the rules are simplified, you can't leave your evidence at home, and you can't tell the judge what other people would say if they were there; you need to present your evidence then, and your witnesses need to be there to give their own testimony. You must present your evidence and witness testimony in a concise, logical order for the judge or magistrate to understand

your position. Too many people go to small claims court without preparing their cases, and the judge or magistrate is not allowed to guess. If you don't present your side, the court will have only half the evidence on which to decide or will determine that because you did not present evidence, you are admitting liability or accepting the other side's position.

Discrimination

Merchants or lenders may not deny you credit on the basis of your race, marital status, gender, religion, nation of origin (or nationality), or age as long as you are 18 or older.

The lender must tell you in writing if your application for a loan was accepted or denied. If it was denied, the lender must also explain why. If they don't, you should request an explanation. The lender must respond to your request. This allows you to identify any mistakes or correct inaccurate information that the credit reporting agencies may have about you so that similar errors will not recur. However, even if you find errors and fix them, you can automatically still get the loan. Once a lender has chosen not to lend, even if the reason was based on an error in your credit report, the chances of that lender granting you credit could be better.

If you are 18, it may appear that you are being denied credit because of your age. Often, it is because you need more credit history. A merchant or lender can only accept credit based on sufficient credit history. Denial based on lack of credit history is a valid reason under the law. This is the most common reason young people are denied credit. The only way to change that is to spend time and effort developing a good credit history. It will not happen overnight. It is also important to realize that you can quickly destroy your efforts to build good credit by not paying a bill on time.

There are various ways you can develop a good credit history. Talk to your bank and see if they will provide you with a credit card with a limited credit line based on the savings you place in the bank.

For example, if you keep 500 dollars in a savings account, a bank may allow a credit limit of \$500 on a credit card. The savings cannot be withdrawn as long as the credit card is valid, but it does help to develop a credit/payment history. Utility companies will set up an account for you but may require a deposit. You establish a good credit history if you pay your account, either at the bank against the credit card or with the utility company.

High-Pressure Sales at Your Home

Door-to-door salespersons have a knack for ringing your doorbell at very inconvenient hours. These salespeople are trying to get you to buy products that may or may not be a good buy. If you get "talked into" buying the product on credit, and if it is primarily for personal, family, or household use, you have the right to rescind the sale until midnight of the third business day after the day you signed any such credit agreement. The salesperson must notify you of your right to cancel the deal, or the right expires after the notice is given and three days have passed. There are exceptions. You can't cancel and refuse to pay for work already done or consume the goods (a case of chocolate chip cookies) and then cancel the agreement because of the three days or lack of notice. The three-day period applies only to sales at your home that you did not invite. In other words, you can't ask a company to send a representative and then claim a three-day right to rescind any contract you might sign while the representative is there. The three-day period also does not apply to business property or goods, even if you buy them home.

Collection Practices

The company can collect the property if you don't pay a loan when it is due. This is called repossessing the "collateral." A debt collector cannot forcefully collect the property or use any unlawful action, such as breaking into your home or garage. You have to be allowed to pay the debt plus costs before the item can be sold. If you do pay, you can get the property back. This is called "redeeming" the property.

If the creditor sells the property to pay the bill, the creditor must sell the property for the best possible price available under the circumstances. If it sells for enough to pay the complete bill, and if it is sold for more than is owed (this includes the costs of selling it and attorney fees in most cases), you get the excess. However, it often sells for much less than what is owed. In this case, you still owe the balance. That balance also includes the company's expenses, including attorney fees in most cases.

Resources

The following resources are provided for your use. The list needs to be more inclusive. These resources have been updated, but we recommend verifying the phone numbers before calling the agency.

211 Colorado: (information for more than 6,500 services across the state): Call 2-1-1-Colorado or 211colorado.org

American Civil Liberties Union: aclu.org or (303) 777-5482 or info@aclu-co.org

Bankruptcy Court: cob.uscourts.gov or (720) 904-7300 or webmaster@cob.uscourts.gov

Better Business Bureau: bbb.org/us/co

Colorado Bar Association's Licensed Lawyer: cobar.org/Licensed-Lawyer

Colorado Department Health & Environment—Vital Records: (866) 632-2604 or cdphe.colorado.gov/vitalrecords

Clerk and Recorder: clerkandrecorder.org/home

Colorado Commission on Judicial Discipline: ccjd.colorado.gov/ or (303) 457-5131. To file a complaint, (303) 457-5800 or ccjd.colorado.gov/sites/ccjd/files/RFE.pdf

Colorado Department of Human Services: cdhs.colorado.gov

Colorado Division of Civil Rights: (303) 894-2997 or ccrd.colorado.gov

Colorado Division of Housing: doh.colorado.gov or (303) 864-7810

Colorado Housing Search: coloradohousingsearch.com or 1-877-428-8844

Colorado Judicial Branch, Residential Eviction information and Forms: coloradojudicial.gov/self-help/residential-evictions

Colorado Judicial Branch, Office of Dispute Resolution: (720) 625-5940 or coloradojudicial.gov/court-services/office-dispute-resolution

Colorado Judiciary Self-Help Forms: coloradojudicial.gov/self-help-forms

Colorado Legal Services: (303) 837-1313 or coloradolegalservices.org

Colorado State Government: co.colorado.gov

Denver Housing Authority: denverhousing.org or (720) 932-3168

Denver Juvenile Court (only county with a separate Juvenile Court): coloradojudicial.gov/courts/trial-courts/denver-juvenile

Denver Probate Court (only county with a separate Probate Court): coloradojudicial.gov/courts/trial-courts/denver-probate

Department of Labor & Employment: (303) 318-8000 or cdle.colorado.gov

Department of Motor Vehicles: dmv.colorado.gov

Department of Revenue: cdor.colorado.gov or (303) 205-8411

District and County Courts: coloradojudicial.gov/trial-courts-district

Domestic Violence Hotline: thehotline.org or (800) 799-7233

Equal Employment Opportunity Commission: eeoc.gov or (303) 866-1300

Federal Job Information: usajobs.gov

Food Assistance: cdhs.colorado.gov/snap

Federal Trade Commission: ftc.gov

Housing Authorities by City: hud.gov/states/colorado/renting/hawebsites

Immigration & Naturalization: (800) 375-5283 or (800) 767-1833—TYT or uscis.gov

Insurance Division—Consumer Affairs:

(303) 894-7499 or doi.colorado.gov/for-consumers

Internal Revenue Service: (800) 829-1040 or irs.gov

Jury Commissioners by County: coloradojudicial.gov/jury-0/jury-commissioners-county

Labor Standards Unit: (303) 318-8450 or (888) 390-7936 or cdle.colorado.gov/dlss

Libraries: librarytechnology.org/libraries/public.pl?State=

Colorado Passports and Visas: travel.state.gov/content/travel.html

Martindale-Hubbell: martindale.com

My Patient Rights: mypatientrights.org/advocating-for-care/colorado/

National Highway Traffic Safety Administration: (800) 888-327-4236 or nhtsa.webmaster@dot.gov or nhtsa.gov —Recalls, ratings, road safety, and vehicle safety

Office of the Attorney General Colorado

Department of Law: (720) 508-6000 or coag.gov

Office of the Attorney General—Consumer

Protection: (720) 508-6000 or (800) 332-2071 or stopfraudcolorado.gov

Office of the District Attorney—Consumer

Fraud Division: (720) 913-9179—Hotline or denverda.org/consumer-protection

Project Safeguard (Denver): (720) 618-3482 or psghelps.org or info@psghelps.org

Public Defender: coloradodefenders.us/offices

Safehouse Denver: (303) 318-9989—Crisis Line or safehouse-denver.org

Selective Service: (847) 688-6888 or visit sss.gov for general information. Forms are also available at the post office.

Social Security Administration: (800) 772-1213 or ssa.gov

STI/HIV Hotline: 303-692-2700 — **Colorado**

Department of Public Health & Environment: cdphe.colorado.gov/sti-and-hiv-resource-center

Student Loans (information/applications):

(800) 433-3243 or studentaid.gov/understand-aid/types/loans

Supreme Court Office of Attorney Regulation

Counsel: To file a complaint against an attorney or to see if an attorney is registered to practice law in the state, call (303) 457-5800 or coloradosupremecourt.us/Complaints/File_ComplaintAgainstAtty.asp

The Center for Trauma & Resilience:

traumahealth.org or (303) 894-8000 (English) (303) 718-8289 (Spanish)—General Hotline

U.S Legal: uslegalforms.com

Unemployment Insurance Benefits:

(303) 318-8700 or (800) 388-5515 or Spanish Toll-Free 1-866-422-0402 or cdle.colorado.gov/unemployment

University of Colorado Legal Aid and Defender

Program: colorado.edu/law/academics/clinical-education-program or (303) 492-8126 or law-clinics@colorado.edu

Workers' Compensation: (303) 575-8700 or cdle.colorado.gov/dwc

The topics and areas mentioned in this booklet guide your rights and responsibilities and are not exhaustive of any subject nor a substitute for a more detailed analysis of your rights and obligations. If more information is needed, an attorney should be consulted. Please refer to the “Resources” section of this booklet for details on how to find an attorney.

Reprint Permission

This booklet may be freely reproduced subject to the following conditions:

The work will not be adapted, modified or changed in any respect, and no derivative works will be created from this booklet or from the material contained within this booklet that is put on the Colorado Bar Association website (or from any link to any other website) without prior express written consent of the Colorado Bar Association.

The holder agrees to require the publisher or the person making the reproduction, whether in paper or electronic form, to include the following notice on the title page of the work: Reproduced with permission from the Colorado Bar Association.

© Colorado Bar Association (2024). All rights reserved.

This public information project was made possible by the contributions of many attorney volunteers from the Colorado Bar Association's Public Legal Education Committee.