

**YOUR LEGAL RIGHTS@**  
**eighteen**

**#ON YOUR OWN**



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# CIVIC MATTERS

## RIGHTS TO FREE SPEECH

The First Amendment of the US Constitution states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.” The free speech clause protects individuals from government censorship of many types of expression. Because public schools are government entities, you have a right to free speech and symbolic expression if you are attending a public school. That right is not absolute, however, and US courts have grappled with determining exactly when and how public school administrators may regulate student speech.

The US Supreme Court has considered a variety of factors in determining what kind of speech is protected in public schools, including content, disruptiveness, vulgarity, potential for the perception of school endorsement of content, and the school’s educational mission. You do not lose your “constitutional rights to freedom of speech or expression at the schoolhouse gate,” Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 506, (1969), nevertheless, these protections are generally weaker when you are in school than if you were on a public street corner. Bethel Sch. Dist. v. Fraser, 478 U.S. 675, 688 (1986).

In general, political or religious speech is protected in public schools. For example, the US Supreme Court ruled that a public high school could not punish students for wearing black arm-bands in school to protest the Vietnam War. Tinker, 393 U.S. 503.

In public high school, administrators may prohibit speech that is “offensive” or “indecent,” even if not obscene. For example, the Supreme Court allowed a principal to discipline a student for “lewd” language used as part of an ongoing sexual innuendo during a student-election campaign speech. Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986). Other types of speech, such as a clearly visible banner at a school event reading “BONG

HiTS 4 JESUS,” do not enjoy the same level of protection. Morse v. Frederick, 551 U.S. 393 (2007).

While a school may not censor speech or expression simply to prevent controversy, Tinker, 393 U.S. 503, speech that is disruptive to the school’s learning environment is not protected. For example, the Supreme Court noted that “lewd” speech mentioned above apparently had a negative effect on classroom learning for the remainder of the school day, justifying its censorship. Frasier, 478 U.S. at 675.

A school may prevent you from making statements that run the risk of being confused with officially school-endorsed views or run counter to the “school’s basic educational mission.” For example, the Supreme Court allowed a high school principal to censor a school newspaper article, written by students as part of a journalism class, dealing with teen pregnancy and divorce in manner that the principal deemed a threat to student confidentiality and too explicit for younger students. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988). School administrators will generally have broad discretion to make “reasonable” restrictions on such material.

If you attend a public college or university, you will enjoy similar free speech protections. In fact, these protections are likely to be even stronger, as the Supreme Court seems to be less concerned about the emotional maturity of the students or the potential for the mistaken perception that the school is endorsing a particular view. Compare Kuhlmeier, 484 U.S. at 271, with Rosenberger v. Rector & Visitors of the Univ. of Va., 515 U.S. 819, 841-842 (1995). For example, an “indecent,” though not obscene, political cartoon in a campus newspaper is constitutionally protected speech. Papish v. Bd. of Curators of Univ. of Mo., 410 U.S. 667, (1973). Though the institution may impose “reasonable” regulations on the time, manner, and place of your speech or expression, the school may not regulate content in such a way as to subordinate your freedom of speech to “conventions of decency.” Id. at 669-670. If a public school does regulate your speech, it must do so in a viewpoint neutral way, without favoring any religious or political opinion over another. Bd. of Regents v. Southworth, 529 U.S. 217 (2000). If you are a member of a religious organization on campus, your organization is entitled to access school funding or resources in the same way as other

student groups. Rosenberger, 515 U.S. 819; Widmar v. Vincent, 454 U.S. 263 (1981).

Students should not mistake their First Amendment rights for a license to intentionally victimize others. Use of “fighting words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace” with “personally abusive epithets” is not protected by the First Amendment. Chaplinsky v. New Hampshire, 315 U.S. 568, 572 (1942); Cohen v. California, 403 U.S. 15, 20 (1971). Speech with the intent of placing the victim in fear of bodily harm or death is considered intimidation and is not protected by the Constitution. Virginia v. Black, 538 U.S. 343, 360 (2003).

The US Supreme Court has not yet addressed the issue of cyberbullying, and the law surrounding it is still in flux. Lower courts, however, have upheld school policies aimed at preventing cyberbullying. J.S. v. Bethlehem Area Sch. Dist., 569 Pa. 638, 807 A.2d 847 (2002). Defamation, which involves publishing false information with the capacity to inflict harm on that victim, is not protected by the First Amendment.

The US Constitution gives you an incredible degree of freedom to speak your mind and express yourself. Thanks to social media, this freedom is now more powerful than ever before imagined. With the tap of a touchscreen, you may disseminate information around the world in ways that contribute valuable new ideas to society, influence important debates, raise awareness about critical issues, and connect you with a larger community. However, this same technology can be used, even unintentionally, to spread misinformation, foster anger and hate, polarize public debate, and permanently tarnish reputations. Under the First Amendment, you are largely entrusted with this power. It is up to you to use it responsibly.

Additionally, remember that the First Amendment applies to public speech, such as at public schools. You will not enjoy its protections if you are a student at a private high school or college. Similarly, if you are employed by a private company, you will not enjoy First Amendment protections while at work. There, you can generally find rules surrounding speech in a handbook or other policy documents.

# WELCOME TO THE VOTING BOOTH

When you reach the age of 18, as a citizen of Vermont and the United States you may vote in all federal, state, and local elections. You may also run for any office except President, U.S. Senator, or U.S. Representative. You have all the same rights and obligations as all adult citizens.

You must register to vote, but Vermont provides many options to make this process as easy as possible. Unless you opt out, you will be automatically registered to vote upon applying for a driver's license. You may also complete a voter registration form, available at the town clerk's office in the town where you reside. Alternatively, you may also register to vote by mail, via the Vermont Secretary of State's online voter registration system, or the day of an election at your polling location. You may also register if you are homeless. Applicants may apply to Vermont's "Safe at Home" program, which provides participants subject to domestic violence, sexual abuse, or stalking with anonymity while registering. In Vermont, you need register only once, and you may retain this voting status in your home town, even if you go away to college, enlist in the armed services, or live out of the country. If you change your permanent residence by moving somewhere with an intent to remain there indefinitely, then you will have to register to vote in the new town.

Vermont, unlike some states, does not require any political affiliation or party registration in order to vote. Other than the presidential primary, you are not required to tell anyone which party you favor in any election. In the presidential primary, you must tell the ballot clerk which party's ballot you want, but that doesn't mean you are a member of that party or will support that party's candidate in a later election. Additionally, you will not be required to show identification at the polling station unless you registered by mail. If you wish, you may choose to only vote in some of the races.

There are four types of elections in Vermont. First, there are local elections. Town meetings are held every year in every town and city in Vermont. You should attend. This unique form of government is a fundamental part of Vermont's tradition of direct democracy and community. Town meeting is where your town sets its property taxes for the year and elects local officers like select board members, the town clerk, and others. It may be



a floor meeting, where anyone can ask questions and votes are taken verbally or by show of hands. Alternatively, it may be an Australian ballot election, where voters mark a secret ballot that is counted when the polls close. Many town meetings use a combination of both floor meeting and Australian ballot.

If the town meeting is during the year that the president and vice-president are to be elected, it will include a vote in the second type of election: the presidential primary. It is by party, and the result of the vote is to bind the state political party to elect delegates to its national convention in proportion to the votes cast in the presidential primary. This helps determine who will be the presidential and vice-presidential nominees of the major parties in the general election.

The third type of elections are state elections, which Vermont holds in even-numbered years. Governor, state senators, state representatives and other state constitutional officers are elected every two years in Vermont. County officers like state's attorneys and sheriffs are elected every four years. General elections are held on the first Tuesday following the first Monday of November. Before then, on the second Tuesday of August, the state holds a primary to decide the candidates who will represent the major parties in the general election. In the primary, each voter must vote only for candidates in one of the major parties. No one gets to know in which party or for whom you voted. You place the voted ballot in the box yourself.

In the fourth type, general elections, you receive a single ballot for any federal, state, and legislative offices to be filled, and may select any candidate from any party, or even write in the name of someone else.

In all elections except the traditional floor-type town meeting, you are entitled as a voter to receive an absentee ballot on request. This is a ballot sent or delivered to your home, identical to the one you would use in the polling place, and which you can use to vote as long as it is returned to the polling place or town clerk before the polls close on election day. No reason need be given for requesting an absentee ballot, but you must request an absentee ballot no later than the day before the election. You may also vote early in person at the town clerk's office at any time after the ballots are made available.

Ever think of running for office? Don't be too quick to dismiss this idea. Vermont has seen 18-year-olds as select board members, town clerks, and even a state representative. If you can get elected, you have a right to serve. This may mean having nominating petitions signed and delivered to the town clerk six weeks in advance of the election. The Vermont Secretary of State elections webpage provides detailed information for candidates.

Pundits routinely complain that 18-year-olds have the worst voting record of any group, muting the voice of those who will be most affected by the future consequences of current decisions. They say that young people don't care about the government or public issues. Prove them wrong. Thoughtfully exercising your rights as a voter or candidate will make the world you live in a better place for all.

## **JURY SERVICE**

Jury service may be the most serious obligation of America citizenship. The fundamental right to a trial by jury is written in the United States and Vermont Constitutions. In order to maintain this right, citizens must be willing to accept the responsibility of jury service.

In Vermont, you will be called to serve only in the county where you live. The court's list of prospective jurors comes from voter rolls and the Department of Motor Vehicles. Names are randomly selected from the countywide population by computer. If you receive a jury summons, you will be required to complete a questionnaire form. If you are qualified to serve, you will be provided a date to appear for jury duty.

By law, courts will excuse from jury duty anyone with a mental or physical condition that would keep them from serving as a juror. You may also request to be excused if you have a hardship that would make it difficult to serve, including financial reasons, travel out of state, or because you are providing care for another person. If you are able to perform jury duty but have an inflexible conflict with the date, you may ask for a postponement.

At work, all employees must be allowed unpaid time off for jury service. Your employer may choose, but is not required, to pay you for the duration of your leave. Your employer should not make any attempt to have your service on a jury postponed, unless business conditions truly necessitate such action. If you receive a jury summons, you should let your employer know as soon as possible.

## **MILITARY SERVICE**

### **Enlisting in the Armed Forces**

You must be 18 to enlist, but with the written consent of your parent or guardian, you may enlist at the age of 17.

Employees called to active military duty, Reserve or National Guard service may be eligible to receive time off under the Uniformed Services Employment and Reemployment Rights Act of 1994. Military leave is typically granted on an unpaid basis. Upon return with an honorable discharge, employees may be entitled to reinstatement and any applicable job benefits they would have received if present.

### **Selective Service**

Federal law requires all males between 18 and 26 years of age to register with the federal government's Selective Service System. This system is responsible for providing men to the country's armed forces in the event of a war or other national crisis. Registering with the system makes you eligible for the draft if it should be reinstated. But registering with Selective Service does not mean that you are joining the military.

If you do not register, you can be prosecuted and fined up to \$250,000 and/or be put in jail for up to five years. Registration is also a requirement to qualify for Federal student aid, job training benefits, and most Federal employment. Men born after December 31, 1959, who aren't registered with Selective Service, won't qualify for Federal student loans or grant programs. This includes Pell Grants, College Work Study, Guaranteed

Student/Plus Loans, and National Direct Student Loans. Currently, women are not required to register.

Registration is easy. You can register online at [www.sss.gov](http://www.sss.gov). Or you can register in person at any United States Post Office. There is no fee for registration. You will need your Social Security number to complete the registration form. If you choose to register at the Post Office, remember to bring a driver's license, passport, or other picture identification when you turn in the registration form; the postal clerk may ask for proof of your identity.

## **ON YOUR OWN . . . SOONER (EMANCIPATION)**

If you have reached a point where you feel you can no longer live with your parents, you have a couple of options: you can file with the court to have someone besides your parents appointed as a guardian (see Title 14 of the Vermont Statutes Annotated for details); or you can ask the court to emancipate you. The choice to seek either emancipation or a guardianship is a serious one with a number of repercussions. Guardianship allows you to have another family member or family friend stand up as your guardian and can be a less drastic compromise to problems with your parents. Emancipation means the release of a minor from the legal control of his or her parents. If you are 16 years old or older, and feel you cannot live with your parents, you may ask the court to emancipate you. You need to tell the court your name, date of birth, residence, and why you want to be emancipated. You also need to tell the court who your parents are and where they live. To be emancipated, you must have lived separate and apart from your parents, custodians, or guardians for at least three months before the hearing. You must be managing your own financial matters and be able to demonstrate the ability to be self-sufficient in your economic and personal affairs without being on general assistance. You must also have, or be working toward, a high school diploma, GED, or the equivalent. You cannot be under the custody of the Department for Children and Families or the Commissioner of Corrections. Finally, you must show that it is in your best interest that you be emancipated. Emancipation may mean that you no longer qualify to be covered by the health insurance of your parent or guardian. Your parents' obligation to support you ends if you are emancipated.

Being emancipated does not give you all adult rights. You still may not vote (if you are under 18) or drink. If you commit a crime, you will be tried as an adult without the protection of the juvenile court.

# **MONEY MATTERS**

## **BANKING & BORROWING**

If you are truly “on your own,” managing your finances will quickly become an important issue. Most people starting out do not make enough to do everything and to get everything they want. Sometimes, there isn’t enough for what they need. Whether your source of income is a job, parental support, a public assistance program, or a combination, you will need to learn about the following:

### **Bank Accounts**

Banks and credit unions will take your money and hold it for you or pay it out on your instructions. The old categories of a savings account and a checking account have given way to a wide range of options. Become an educated consumer and learn about those options. Do you want, and can you qualify for, overdraft protection? Would you prefer a monthly fee or a per check charge? Do you need copies of your cancelled checks? Would you be comfortable with the convenience of a debit card, knowing that a PIN may not always be required and the card makes it easy to drain your account or overdraw.

You should also understand the implications of opening a joint account with someone else. Typically, either person can take out all of the money; and if one person overdraws, both are liable.

### **Contracts**

A contract is an agreement between two or more competent parties. Contracts may be oral or written and may be for a legal purpose, such as

buying a car or leasing an apartment. Anyone over 18 of sound mind can enter into a legal contract, but before you sign, you should read the contract completely and make sure you fully understand it. If you don't agree with something in the contract, you should talk to the other party about altering or removing it. Never sign an agreement with blank spaces and always keep a signed copy. Generally, not understanding a contract is no excuse for breaking the agreement. Make sure you understand before you sign, as breaking the contract could cause you to be sued.

## **Collateral**

Collateral is an item of value that is accepted by the lender as back-up payment in case you are unable to repay your loan. If you buy a car, for example, and agree to pay in installments, the car itself may be collateral for the loan. An agreement to pledge collateral must be in writing. If you fail to make your payments, the lender in this case could repossess the car or sell the collateral you pledged.

## **College: Who Pays?**

Most people entering college have reached, or shortly will reach, the age of 18. In Vermont, that is the age of majority, or adulthood. When you reach age 18, your parents' legal obligation to support you generally ends. A divorced parent's potential obligation of support may extend to age 19, or a child's graduation from high school, whichever comes first.

So the legal answer to who pays for college is the same as the name of this booklet—you're "On Your Own." Ever since the creation of colleges and universities, however, some parents agree to assist their children with college expenses without any legal obligation to do so. This tradition represents an important distinction between those duties recognized and enforced by law, and those "duties" imposed by custom, moral obligation, or other values that are not legally enforceable. Often, there are student loans available for the student (or if a parent voluntarily applies for one), which loans can be paid back in installments over time, ordinarily with payments starting after college. The Vermont Student Assistance Corporation provides grants to some students based upon their need. You may reach them at 800-642-3177.

## **Borrowing and Credit**

Sooner or later, you will want or need to borrow money for some purpose. Your ability to borrow depends on your credit. Often, a new loan applicant without a prior credit history or a steady job for a year or more is turned down. Someone with established credit can “co-sign” for you, but they become liable if you don’t pay.

Your credit history is maintained by one or more credit reporting agencies, and most of your credit transactions, including your payment history, will be recorded and then the information will be released to prospective lenders when you apply for a loan. If you are on a loan or credit card with someone else, and they default, that default, and the responsibility for it, may go on your credit report. Those with steady income, job and living stability and a good payment track record are more likely to receive credit.

Credit is valuable. It is not just about shopping, since the amount of credit that you have and how you use it can affect where you live, what you can afford and even where you work. Ours is a credit society, and because of this, there are several things you should know about credit, your credit rights, and how to use credit wisely.

### **Access to Credit**

You have an equal right to credit. You cannot be denied credit because of your race, sex, color, religion, national origin, marital status, age (unless you’re not 18 yet), or because you may be receiving public assistance of some kind. In addition, if you’re married, the creditor may not, as part of the credit application process, ask about your plans to have children.

You have the right to know how much credit will cost you. Federal and state laws require that you be informed how much credit will cost you. You must be informed of the actual cost of credit—the “finance charge”—and credit costs must be referred to in terms of the annual percentage rate of interest (APR). This uniform rate will enable you to compare the cost of credit from lender to lender. To be an informed consumer, review the terms such as annual fees, APR, and where the credit may be used to

be certain that the national or local bank or store card, or term loan, is right for you.

If your credit application is denied, you have the right to know why. The law requires creditors to notify you within 30 days whether your credit application has been accepted or rejected. If your application is rejected, you must be told why in writing, or that you can request the specific reasons why by contacting the creditor within 60 days. The creditor then has 30 days to answer.

If your credit is denied, it's good to find out why. A mistake may have been made. If not, the reasons will help you make a better application the next time. And if the law was broken and your application was not fairly evaluated, you have rights and can seek correction.

## **If You Fall Behind or Don't Pay**

If you fall behind or don't pay a bill on time—even for a legitimate reason—you may be in default—you may have broken your promise (the contract) to pay according to a certain schedule. It is usually best to let the creditor know that you are having trouble making payments before you are in default. Once you have defaulted, the creditor may take certain actions to collect the debt. But you still have rights.

## **If the Creditor Repossesses**

A creditor may repossess collateral (take back the car, stereo, or other item you bought with the money loaned to you) only when your credit contract permits it. However, a creditor may not use force or otherwise breach the peace attempting to repossess your goods. Your home may not be entered to repossess goods unless there is a court order to do so.

Your car may be repossessed wherever it is parked, as long as no breach of the peace and no forced entry take place. If your car is parked in a locked garage, a court order must be obtained before it can be taken away. All items in the car at the time of repossession still belong to you, and you are entitled to get them back undamaged.



In most cases, once a creditor repossesses your goods, you will be notified in writing that the goods will be sold at public or private sale. Until that sale occurs, you have the right to redeem the goods by paying the entire unpaid balance owed plus reasonable collection costs.

NOTE: If the sale price doesn't cover the entire balance you will have to pay the difference. But if the goods were sold for more money than you owe, the creditor must return the surplus to you, though reasonable repossession costs may be deducted.

If you simply can't pay your debt and you're thinking of letting your creditor repossess your goods to take care of the problem once and for all, think again! If you turn the goods back in, a "repossession" notation will be made in your credit report files. Consider selling the goods and paying off your loan. That way a repossession won't show up on your credit record. (Before you sell the goods, you must get permission from your bank or credit union, if they hold title to the goods.)

## **Debt Collectors**

If you stop paying on a loan or retail installment contract, or if you owe additional money after the goods are repossessed and sold, the creditor may hire a "debt collector" to recover the money you owe. All collectors, wherever located, are subject to the provisions of the Fair Debt Collection Practices Act (FDCPA).

The law protects consumers in many ways. For example:

- Whenever a debt collector calls you, he or she is required to tell you they are trying to collect a debt.
- If you ask, a debt collector must "validate" the debt—i.e., tell you who the creditor is, how much money is owed, and how to dispute the debt.
- If you don't want to be contacted at all by the debt collector, you can write to the collector to stop contacting you. Your written request must be honored.

A debt collector:

- cannot call you at inconvenient times, such as before 8 AM or after 9 PM, or call repeatedly to harass you
- cannot use or threaten to use violence or other criminal means
- cannot tell anyone other than your spouse about the debt
- cannot call you at work, if you tell them not to do so.

## **Credit Cards**

If you don't have credit cards now, you probably will soon. Credit cards enable you to buy goods or services on credit, for which you will be charged interest monthly on those purchases. There are store cards and bank cards from local or national entities, with varying terms and uses. Again, review the annual fees, if any, finance charges, APR, and terms of a credit card agreement you are considering so that you can compare your options. With a credit card, you will receive monthly statements and most cards will allow you to spread your payments over time. This process comes with a cost, however, as if you do not pay off your entire bill every month, you must pay an interest charge which is often as high as 21% or more! Interest on purchases can grow very quickly if the entire balance is not paid monthly so use your credit cards wisely and prudently. There are a few other things you should know about their use.

If you lose them. If you lose your credit card, the law limits the maximum amount you may have to pay for any unauthorized uses of your card to \$50. For example, if someone finds your lost card and runs up \$300 worth of charges, you are only responsible for \$50. If you immediately notify the bank or company issuing the card that it was lost, you will not be responsible for any charges that are made with your card after that point. It's always a good idea, therefore, to keep handy your card numbers and the phone numbers of the issuers, so you can immediately notify them if your cards are lost or stolen. One way to do this is to make a photocopy of your credit cards and keep it in a safe place besides your wallet.

Billing errors with credit cards. Under the federal Fair Credit Billing Act you have the right to prompt correction or explanation of apparent billing errors. The law applies to open-end credit accounts like credit cards,

revolving charge accounts at stores and credit-line checking accounts at banks. The law does not apply to a loan or a credit sale where you have a fixed payment schedule until the entire amount is paid back (like a car loan). While you may be able to quickly resolve your problem by calling the company or bank directly, to use your rights under this law you must notify the creditor in writing of the billing error. Your letter must reach the creditor within 60 days of the date the first bill containing the error was mailed to you. Your letter should include your name, address and account number and why you think there's an error. Your letter must be acknowledged by the creditor in writing within 30 days of receipt unless the problem is cleared up before that. The creditor then has two billing cycles, but no more than 90 days total, to correct the problem or explain why the bill is correct. You may refuse to pay the amount in dispute, including any finance charges, until the problem is resolved. Until it is resolved, the creditor may not threaten to damage your credit rating, report you as delinquent to anyone, restrict your credit card account, or charge you interest on the amount in dispute.

If your bill is incorrect, the creditor must give you a written explanation of how the bill will be corrected. All late charges and finance charges related to the error must be removed.

If the creditor still believes you are wrong, you must promptly be notified in writing. At this point you are then responsible for the bill and any finance charges that may have accumulated on it. If you think the creditor is wrong, the dispute may have to be settled in court. The creditor is now free to begin regular collection procedures against you, but must also report that you still dispute the bill to any credit bureau that asks about your creditworthiness.

## **Credit Ratings and Credit Reports**

Credit reports must be accurate. Credit ratings—records of whether you have paid your bills on time—are developed by private companies called credit bureaus or credit reporting agencies and are made available upon request to most businesses where you ask for credit. These reports let them know if you are a good credit risk or not. While the records often include confidential personal information, by law they cannot include

information about your marital status, race, religion, color, ancestry, ethnic origin, sex, sexual preference, or political affiliation, except as required for government record keeping. Under Vermont law, a business may not obtain a report on you without your permission except under limited circumstances.

If you are denied credit based on a credit report, the user of the report must give you a written summary of your rights under the Fair Credit Reporting Act and the name and telephone number of the credit reporting agency that provided the report (including a toll-free number, if it is a nationwide CRA that provided the report). The user of your credit report may not give the information in the file to anyone besides you—it is private and confidential.

An investigative credit report cannot be prepared about you unless you have been provided clear written notice of the investigation not later than three days after the report was first requested. This notice must also give you a written summary of your rights under the Fair Credit Reporting Act and the name and toll-free number of the credit reporting agency if one was involved.

Because your credit rating is so important, under Vermont law you can request a free copy of your credit report once a year. (To see if there's a file on you at a credit bureau, call some in your area searching under "Credit Reporting Agencies." Also, [annualcreditreport.com](http://annualcreditreport.com) is one such agency where you can obtain a free report by indicating that you are a Vermont resident). If you dispute any of the information, the credit bureau must re-investigate and correct the mistake if it finds an error. The credit bureau must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the bureau decides that there is no error but you still dispute the information, you may file a brief statement setting forth your side of the story and the credit bureau must put this information in your file. You also are entitled to be given the names of persons or companies who recently received your credit report.

Credit reports in your own name. If you are married, you may choose a joint or individual account. If you choose a joint account, federal law requires that it be reported in both your and your spouse's name. If you get divorced, or if you want to apply for credit under your own name, and

your joint credit rating is not very good, federal law requires creditors to consider any information you offer that shows that the unfavorable information in your joint account does not accurately reflect your ability to pay. Even if you're not applying for credit at the moment, you can still send a letter to those credit bureaus with reports on you explaining these facts and have that letter placed in your file.

## **SMART BUYING**

If you're in the market for any product or service - things like clothes, electronics, vehicles, educational courses - there are several simple rules you should keep in mind. If you follow them, your dollars will go a lot farther and you'll be a lot more satisfied with the results.

### **Shop and Compare**

Compare products on the basis of features, warranty protection and price. The best buy isn't always the least expensive.

Don't fall for deceptive advertising. Advertisements can provide useful information. Too often, though, ads appeal to your emotions rather than your intelligence. While there are laws against deceptive advertising enforced by the Vermont Attorney General's Office, it's still best to avoid a problem by watching out for deceptive ads rather than getting snared by them and having to rely on a law or someone else to get you out of a mess.

Ask for promises in writing. Contracts don't have to be in writing to be binding (it's easier, of course, to make someone stick to something that's in writing than something that's based on your recollection of the agreement). If a salesperson makes important claims about a product that are not in your contract or warranty, try to get them in writing.

Read the terms of your contract or warranty carefully. Know what you can expect and what's expected of you. If you don't understand something, ask questions or seek help from a friend, parent, teacher, or lawyer.

Never sign a contract with blank spaces. Fill in blank spaces or draw a line through them.

Keep good records. Keep copies of all contracts, receipts, warranties, and all notes or letters you've written regarding the product or service, as well as records of payments, maintenance, repairs, and other services. Once you get the basics under your belt, you're still not out of the woods. The next area you need to explore is warranties.

## **Warranties: Spoken, Written, and Implied**

The warranty (or guarantee) is that part of your contract that specifies the quality and dependability of the product or service. It's the place where the seller tells you what you can expect from the product, what you must do if you have a problem and what will be done in return.

There are three types of warranties: Oral, written, and implied.

An oral warranty is simply the seller's spoken promise about the product that you rely on in deciding to buy. While oral warranties are binding, they're obviously hard to prove. It's best to get these promises in writing, if you can.

A written warranty is simply a written promise about a product. A seller is not required to give you a written warranty. However, most do. And, if the seller does give you a written warranty, the seller must declare whether the warranty is full or limited. The distinction is important. A full warranty gives you the best protection: for example, if a product breaks down, the seller must try to fix it within a reasonable time. You pay nothing for parts or labor. And if it can't be repaired within a reasonable time, you get your money back or a brand-new product. A limited warranty is anything less than a full warranty. Under a limited warranty the seller might pay for replacement parts, but you might have to pay for labor. If the seller couldn't fix the product after a reasonable number of tries, you would still probably be entitled to your money back, except that the legal steps you would have to go through would be a lot more complicated. Full warranties are definitely best.

Federal law also requires that all products costing more than \$15, with warranties, must have their warranties available for you to look at before you buy, so that you can examine and compare them.

The third type of warranty is an unwritten and unspoken one—that’s why it’s called an implied warranty. Vermont law declares that these types of warranties are given to you automatically by the seller even though they are not formally expressed to you. They come on all products. For purposes of consumer goods (other than used cars), these warranties cannot be taken away from you. The most important implied warranty for consumers is the implied warranty of merchantability. This is a warranty of basic quality—it assures you that a thing will at least do what it’s supposed to do. A toaster must toast, a reclining chair must recline. This kind of warranty covers new and used products and services, and may entitle you to repairs at no cost. If you purchase an item that proves to be seriously defective, it is not too old (still within its “useful life”), and you have not abused it, then you might very well have an implied warranty claim against either the seller or the manufacturer.

## **Buying Online**

Online merchants can offer good deals on products and it’s convenient. But, you have to be smart to shop online, to protect your personal financial information, and limit the risk of buying merchandise from someone at a distance.

Follow these tips whenever you shop online:

Use secure sites. Always use a secure Internet connection when making a purchase. Regularly used websites typically use technologies such as SSL (Secure Socket Layer) that encrypt data during transmission. Look for the padlock icon in the address bar or a URL that starts with “https” instead of “http,” as the “s” stands for “secure.”

Keep your password private. Be creative when you establish a password, and never give it out to anyone. Use a combination of numbers, letters, and symbols, instead of a telephone number, birth date, or portion of your Social Security number. Use different passwords for different sites.

Shop with companies you know. Anyone can set up shop online, under almost any name. Find out the company's refund and return policies before you place your order. These should be posted on the company's website.

Pay by credit card, if possible. If you pay by credit card, you are protected by the federal Fair Credit Billing Act. Under this law, you can dispute the charge if the goods never arrive or are substantially different from what you ordered, and you can temporarily withhold payment while your card issuer investigates. If your card is used without permission, you should call your card issuer as soon as you learn of the unauthorized use. Some companies offer a guarantee that ensures that you will not be held responsible for any unauthorized charges made online.

Keep a record. Be sure to print or save a copy of your purchase order and confirmation number for your records. Also, the federal Mail and Telephone Order Merchandise Rule covers online purchases, meaning that unless the seller states otherwise, your merchandise must be delivered within 30 days; and if there are delays, the company must notify you.

Protect your privacy. Online companies can collect information about you and potentially give or sell that information to others. To protect your privacy:

Keep your personal information private. Don't disclose information such as your address, date of birth, phone number, Social Security number, or e-mail address, unless you know who is collecting the information, and why and how they will use it.

Look for an online privacy policy. Companies often post their policy on their website. The policy should say what information is being collected and how it will be used. If you can't find a policy, e-mail the website to ask about its policy.

Make choices. Many companies allow you to choose whether and how your personal information is used. They may also permit you to "opt-out"



of having your personal information used for marketing or shared with other companies.

## CONSUMER PROTECTION

### Internet Shopping

Shopping on the internet can be a great convenience. More and more people are doing it, and you can buy almost anything online. But . . . problems await the unwary.

“But I didn’t order this . . .” If you receive goods in the mail that you did not order, both state and federal laws allow you to keep them as a gift! You do not have to pay for them. Of course, if something is delivered to you by mistake (it has someone else’s name on it, for instance), you cannot keep it and must return it to the post office or to the proper person.

If any company sends you *unsolicited merchandise* and then attempts to make you pay for it, it is breaking the law. If this happens to you, contact the postmaster in your town, or the Attorney General’s Office in the company’s state, and let them know. If that doesn’t work, contact the Postal Inspection Service, 495 Summer Street, Suite, 600, Boston, MA 02205-2217 (1-877-876-2455).

### Delivery Time

If you order something by mail, the law requires the company to ship the goods within the time promised. The Federal Trade Commission’s Mail Order Merchandise Rule also states that if the company does not say when the product will be shipped, then it must be shipped within 30 days. This rule applies when you order by mail, regardless of whether your product comes by mail or by a private carrier such as UPS. The rule does not apply to: magazine subscriptions (except for the first order), photo developing services, seeds and nursery products, book and record clubs, and any C.O.D. (cash on delivery) orders.

If the company does not ship your goods within the time required, it must notify you of the delay and remind you that you have the right to

cancel your order and receive a full refund, or wait for a new shipping day. The company must give you a free way to notify them of your choice: a postage-paid, pre-addressed post card or a toll-free number you can call. If you decide you want to cancel, you must notify the company—silence on your part means you’re willing to wait for the new date.

If you decide to cancel, the company must refund your money within 7 business days of cancellation. If you purchased by credit card, the company must adjust your statement by the next billing period.

If your order is delayed a second time, the company must notify you again and must assume you want to cancel. If you do not want to cancel, you must notify the company.

If the company does not follow the law, you should notify the Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580.

For more information on consumer issues or problems, contact the Vermont Consumer Assistance Program through the process described below.

## **Seeking Help**

The Public Protection Division is part of the Attorney General’s Office in Montpelier. Its primary responsibility is to enforce Vermont’s Consumer Fraud Act, which prohibits “unfair methods of competition” and “unfair or deceptive acts or practices.” The Consumer Assistance Program (“CAP”), located in Burlington, mediates numerous consumer complaints each month. The scope of the division’s activities is governed by legislation, and there are certain things that the division, by law, can and cannot do.

The Public Protection Division can attempt to resolve every complaint CAP receives relating to allegedly unfair or deceptive acts or practices in the marketplace by contacting the business complained about and requesting that it contact you to either resolve your complaint or satisfactorily explain its side of the story, investigate complaints where there appears to be a pattern or practice in violation of the law, and follow up with legal action if a significant violation is found.

The Division cannot get involved in matters where there has been no violation of the Consumer Fraud Act, represent you as an individual in court, or give legal opinions or legal advice. The Division represents the State of Vermont and can only act in the name of the State. Because of limitation of time and staff, as well as jurisdiction, decisions on which cases will be pursued through investigations are based on how much will be accomplished to benefit ALL Vermonters if the case is pursued. But the staff of CAP can point out general problems in the particular industry, tell you how many complaints have been filed in the past against a particular business, and give you advice on how to proceed to minimize the chances of your encountering problems. In addition, the complaint files are public records and you may request, in writing, to inspect or copy them. Certain fees may apply.

## **How to File a Complaint**

Before you file a complaint with the Consumer Assistance Program, you should contact the business at least once and allow it an opportunity to resolve your problem voluntarily. If you are still dissatisfied, you can file a complaint with the Consumer Assistance Program by sending a letter or filing a complaint on line at the Attorney General's website. Your complaint MUST contain the following information:

- the correct name and mailing address of the business about which you are complaining;
- your full name, mailing address, and telephone number;
- a brief, concise description of the problem; and
- a description of the relief you are seeking.

Please note consumer complaints are part of the public record, so do NOT include social security numbers, account numbers, and other sensitive information with your complaint unless you mark over that information.

You can access the electronic complaint form by going to the Office of the Attorney General's website, <https://ago.vermont.gov> and navigating to the section "For Consumers."

You may also call the Consumer Assistance Program toll-free at 1-800-649-2424. Callers in the Burlington area may dial 802-656-3183.

All complaints will be forwarded to the business with a request from CAP that the business resolve the matter. Many complaints are resolved in this way. The business' complaint file will also be reviewed to find out whether complaints of a similar nature have been received and whether an investigation is warranted. The Public Protection Division can investigate only a limited number of complaints; as a result, although your complaint may be legitimate, it may not become the basis for an investigation. If such is the case, you may wish to consult an attorney or file an action yourself in small claims court, where you do not need to be represented by an attorney.

## **Who's That Knocking at My Door?**

No matter how you tell there's someone at your door, there's something you ought to know if that someone is a salesperson. If a salesperson whom you didn't first contact comes to your home, to where you work, or telephones you and entices you to enter into a contract to buy something costing more than \$25, you can cancel that contract within 3 business days. Before the contract is effective it must be put in writing and signed by both you and the seller. The contract must also inform you of your 3-day right to cancel. Once the contract is in order, you may cancel it by mailing a letter to the seller stating you've changed your mind before midnight of the third business day after the day you signed the contract. (If you signed a contract on Friday, you could cancel it by mailing a letter before midnight Wednesday night.) If you do cancel, the seller has to refund any money you paid within 10 days of the notice, and if anything is left with you and not picked up within 20 days, you can keep it as a gift!

## **PUBLIC PROTECTION**

### **IF YOU ARE A VICTIM OF A CRIME**

You have certain rights if you are a victim of crime that occurred in Vermont and if the crime was reported to law enforcement. What those rights are depends in part upon whether or not your offender was an

adult. When police officers contact you at the beginning of their investigation, they should give you written information about your rights. This information will include how to get help with things you might need because of the crime and the court process. There are victim advocates whose job it is to help you through this process. For more information about your rights contact the Vermont Center for Crime Victim Services online at [www.ccvv.vermont.gov](http://www.ccvv.vermont.gov) or by phone at 1-802-241-1250.

If you are the victim of a violent crime, you may be eligible for Victims Compensation. Eligible expenses include, but are not limited to, crime-related medical costs, mental health counseling, funeral expenses, and loss of earnings. You must fill out a short application to be eligible to receive compensation. Applications are available at your local police department and state's attorney's office, or by contacting the Center from Crime Victim Services.

If you are a victim of a crime where you suffer an uninsured material loss, and the state's attorney is able to prosecute the case and obtain a conviction, you may be entitled to restitution. The amount of restitution is determined by a state court judge at the time the offender is sentenced. You will need to prove that you have suffered a material loss—for example, damage or loss of property, money, or income—before the court can order restitution, and the state's restitution fund can cover your loss. Information will be provided by a victim's advocate attached to the state's attorney's office.

Vermont employment law also extends its anti-discrimination and anti-retaliation protections to crime victims. A "crime victim" is defined as any individual who has sustained physical, emotional, or financial injury as a direct result of the commission or attempted commission of a crime, as well as any individual who has secured an order of protection against an abuser or stalker. In practice, it is unlawful to deny employment to an individual because of his or her crime victim status.

The law also extends leave rights to employees who have continuously worked for six months or more, averaging at least 20 hours per week. These eligible employees must be provided unpaid leave when necessary to attend a deposition or court proceeding related to a criminal proceeding or a hearing to secure an order of protection. Employees

exercising this leave right are entitled to protections, including job restoration at the conclusion of the leave period.

## **IF YOU ARE ARRESTED**

### **When and where can I be arrested?**

A person who is arrested is not free to leave and must go where police take him or her. The police can briefly stop you to issue a citation or to question you if they are suspicious, but they can arrest you only if they have probable cause to believe that you have done something wrong. Probable cause is more than just being suspicious. The police have probable cause to make an arrest if an ordinary person who knew or saw what the police did would believe that an offense has been committed and that you were the one responsible.

Sometimes the police can make an arrest only after getting a document called a warrant from a court. When a judge issues a warrant, he or she officially decides that there is probable cause. Police usually need a warrant to make an arrest in a private place, like your home. But there are also many situations in which police officers can make an arrest without waiting to get a warrant from a court. Some situations in which a police officer can make a warrantless arrest in a public place include:

- If the officer actually sees someone committing any crime;
- If the officer has probable cause to believe that someone will harm him/herself or another person in the future;
- If the officer has probable cause to believe that someone has committed one among certain serious crimes (even though the officer did not witness it)
- If the person refuses to identify themselves when stopped;
- If the officer believes that someone has violated terms of probation or parole.

## When can I be searched?

The Vermont Constitution states that “the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure.” That doesn’t mean that a search can never happen, however. In practice, the times when police can search you are the same as when they can arrest you. In other words, a search also requires probable cause. A search can include fingerprinting you, taking your photograph, and administering a blood-alcohol test.

The police cannot search your home, your car, or belongings unless (1) they have a warrant from a court, (2) they have your consent, or (3) there is some sort of emergency. You do not have to give your consent. If the police do not say that they have a warrant, it is absolutely fine to politely decline permission to let them enter your house or your vehicle.

Do I have to answer questions? What are my rights?

If you are arrested, the police will likely ask you questions. You do not have to answer them. Anything that you say to the police can be used in a later trial as evidence to prove that you committed a crime.

If the police want to question you, they must first inform you of your rights. The specific rights that police must tell you about are sometimes called your Miranda rights, after a famous case in the United States Supreme Court. Your two most important Miranda rights are the right to remain silent and the right to have a lawyer.

The right to remain silent means you can remain completely silent or answer some questions and not others. It is up to you. You cannot at any time be made to answer any questions or sign any statement, and you should report any force or threats to the court or to your lawyer. Don’t rely on the promise of a policeman to help you in exchange for a confession. It’s natural to want to explain your side of the story. But remember that anything you say can be later used against you in court.

The right to a lawyer in a criminal case is one of the most fundamental rights that you have in this country. It’s sometimes called the “right to counsel” because a lawyer’s job is to give you counsel or advice, as well as

advocating for you in court. Although many people may be on your side to give you advice, a lawyer is a trained expert who understands how courts and trials work.

Your right to a lawyer doesn't just mean that you have the right to a lawyer when you go to court; it also means you have the right to talk to a lawyer before and during any questioning by the police, wherever you are being held. If you have questions about what is happening, or you are unsure whether to talk to the police or remain silent, you should ask for a lawyer. To ask for a lawyer, you can simply state: "I want a lawyer." If you can't afford a lawyer, you are entitled to a court-appointed lawyer for free. As soon as you ask for a lawyer, all questioning by the police must stop. You might not get a lawyer immediately, but until you do there should be no further interrogation unless you consent to it.

In sum:

- You have the right to have the arresting officer inform you of your rights;
- You have the right to remain silent—you do not need to answer any questions;
- You have the right to call a lawyer and to consult with a lawyer before answering any questions, or at any point when you are being detained;
- You have a right to be released on bail before trial in almost all cases (see below).

## **What happens if I go to court? What is bail?**

After being arrested, you have the right to be taken before a court official (judge or magistrate) without any unnecessary delay and to be informed of the charge(s) against you. This is when you will be assigned a free lawyer if you can't afford one.

Bail is the temporary release of an accused person awaiting trial, sometimes on the condition that a sum of money be lodged to guarantee their appearance in court. You have the right to be released on bail before trial in almost all cases. Your release may be conditioned on the deposit of



money or the posting of property as security, your signature on an unsecured bail bond, and/or your compliance with certain conditions such as remaining in the state, reporting to a probation officer, or refraining from seeing or associating with certain individuals.

If you believe that you did not commit the offense that you are charged with, you may plead not guilty. You can go to trial and have a free lawyer represent you to explain that you are innocent of that offense. At trial, a jury of your peers will evaluate the evidence to determine whether it is “beyond a reasonable doubt” that you committed the charged offense. If the jury finds that you committed the offense and that you are guilty, the judge will decide your sentence.

You may also choose to plead guilty, which means admitting that you committed the offense you have been charged with. If you decide to plead guilty, the prosecuting attorney may agree to drop certain charges or to recommend a particular sentence to the court in exchange for a guilty plea. This is known as “plea bargaining.” Before the court will accept your plea of guilty, you should be informed of the consequences of your plea (possible punishment) and of the fact that you waive certain rights (such as the right against self-incrimination and the right to a jury trial) if the judge accepts your guilty plea. If you do not understand any part of the plea agreement, you should ask the court to explain it to you before accepting the deal.

## **ALCOHOL AND DRUGS**

### **Alcohol**

It is illegal in Vermont to possess or consume alcoholic beverages if you are under 21, or to misrepresent your age in order to get them. Breaking these laws result in civil penalties, including having to complete a substance abuse program.

It is also illegal to provide alcoholic beverages to anyone under 21. An adult who does so can go to jail. Anyone can also be sued for medical costs or damage to property resulting from intoxication. Even if your parents did not provide the alcohol or drugs, they could still be liable for damages

caused by you or your friends if you used their home for a party or if you still live at home or are supported by them.

## **Drugs**

Many drugs, like heroin or cocaine, are always illegal. That means that you can be charged with a crime for possessing, selling, or giving them away under any circumstances. Other drugs, like some strong painkillers, may be legally sold, but only with a prescription from a doctor and only to a patient with a legitimate medical need to use them. Even though prescription drugs are sometimes legal, it is still a serious crime to possess, sell, or give them away if they were not prescribed to you personally by a medical professional.

It is also important to remember, though, that Vermont laws are designed to encourage those suffering from substance use disorder to seek help. Vermont has one of the most expansive Good Samaritan laws in the nation. People who call 911 for help, or people who are overdosing, are protected from being charged for drug possession.

When it comes to selling or transferring drugs to others, the penalties are much more severe. You can be sentenced to multiple years in prison for selling a small amount of cocaine, even for a first conviction. If you are convicted of selling these drugs on the grounds of a school, an additional 10 years can be added to your sentence. Vermont law does not distinguish between a person who is selling a drug for profit and a person who simply gives the drug to a friend without receiving any compensation. In both situations, the person is subject to the same penalty.

## **Marijuana**

In 2018, Vermont legalized marijuana, allowing individuals over the age of 21 to possess up to an ounce of marijuana and grow two mature marijuana plants in their own home. Beyond these allowances, important limitations remain in place. You may not smoke or consume marijuana in a public place, including streets and parks. It is a civil violation to possess marijuana while under the age of 21. Neither your employer nor your landlord is required to allow your recreational use of marijuana.

Selling marijuana and possessing larger amounts of the drug are still considered crimes, subject to serious prison time and fines. As with alcohol, it is also a crime to provide marijuana to someone under 21. Additionally, even though Vermont has acted to legalize marijuana, it is still considered an illegal drug under federal law.

It is illegal and extremely dangerous to drive while under the influence of alcohol or any other drug, including marijuana. Both drivers and passengers can be fined for consuming alcohol and drugs while in a moving vehicle. It is also a crime to drive while under the influence of alcohol or any other drug. In the case of alcohol, you are automatically considered to be “under the influence” if your blood-alcohol concentration level is at least .08%. If you are under the age of 21, driving with any amount of alcohol in your system is considered to be illegal. In the case of other drugs, it is illegal to drive if your “ability to operate a motor vehicle safely is diminished or impaired in the slightest degree.”

## **THE VERMONT COURT SYSTEM**

As with legislative and executive branches of government, the judicial branch exists at both the federal and state levels.

At the federal level, the United States District Court handles most civil and criminal cases. The Bankruptcy Court handles bankruptcy cases. The federal court has divisions in Burlington and Rutland. The District Court also has a magistrate judge, who generally hears less serious criminal cases and lawsuits in which the parties agree to have the magistrate decide their case. Magistrates also preside at bail hearings in criminal cases and sometimes handle smaller disputes in civil cases.

The federal District Court is a trial court, which means that parties present evidence for the first time at this court. They may call witnesses and offer documents to the court to review. Depending on the subject-matter of the case and choice of the parties, the judge may decide a case alone or the case might be decided by a jury. District Court decisions may be appealed to the United States Court of Appeals for the Second Circuit, which covers Vermont as well as New York and Connecticut and holds hearings primarily

in New York City. Circuit Court decisions may be appealed to the United States Supreme Court in Washington, D.C. (but the Supreme Court can decide whether or not to accept the case, and it hears very few cases per year).

At the state level, there are several different courts in Vermont, each with the power to hear different kinds of cases:

The Civil Division of the Superior Court has general civil jurisdiction. It handles cases in which one person sues another for money damages or “equitable” relief like injunctions. The Civil Division also handles evictions, foreclosures, large collection actions, and a variety of other non-criminal cases. Decisions of the Civil Division can be appealed to the Vermont Supreme Court. The Small Claims Court is housed within the Civil Division and is usually located in the same place as the Civil Division. Small claims cases are typically heard by acting judges, who are often lawyers who practice in the community. The small claims court only has the power to award money damages, and only up to \$5,000. Small claims decisions can be appealed to the Civil Division.

The Judicial Bureau hears civil violations like speeding tickets and some minor drug and alcohol offenses. Judicial Bureau cases are often heard by acting judges and the decisions of the Judicial Bureau can also be appealed to the Civil Division.

The Criminal Division of the Superior Court has jurisdiction over criminal matters like serious drug possession cases, DUIs, and domestic assault. It also has jurisdiction over certain civil proceedings related to criminal cases, such as DUI license suspension hearings and drug forfeiture proceedings. Decisions of the Criminal Division can be appealed to the Vermont Supreme Court.

The Family Division of the Superior Court has jurisdiction over divorce, custody, paternity, child support, relief from abuse orders, and juvenile court issues such as abused and neglected children. Decisions of the Family Division can be appealed to the Vermont Supreme Court.

The Probate Court has jurisdiction over guardianships, estates, and adoptions, and decisions of the Probate Court are appealed to the Civil

Division. There are separate probate judges who are elected at the county level.

There is one Environmental Court in the State of Vermont with statewide jurisdiction over certain environmental matters. Often, decisions of municipal boards like a Development Review Board will be appealed to the Environmental Court. It has two dedicated judges, and its decisions can be appealed to the Vermont Supreme Court.

The final court of appeal in the State of Vermont is the Vermont Supreme Court. Decisions of the Vermont Supreme Court may be appealed to the United States Supreme Court under some circumstances if they involve federal issues (but as with decisions from the federal courts, the United States Supreme Court can choose to hear the case or not.)

Going to court can be an intimidating experience. The language and the process may seem strange if you are not familiar with it. In criminal cases, you will typically have the right to a court-appointed attorney if you cannot afford to hire one. In other cases, you would be well advised to hire an attorney help you navigate the process.

In almost all proceedings, you are entitled to represent yourself, which is sometimes called appearing pro se (Latin for “for yourself.”) If you are going to court it is a good idea to understand exactly what is being decided and what options are available to you and to the court. You can contact the court ahead of time and learn from the clerk of the court when and where to be and what sorts of things you should bring. The court staff will give helpful information about the process if they can, but they cannot give legal advice or help you prepare your case. Often, there are pamphlets available at court that describe the different processes. If you are appearing in court for a hearing or a trial where you want to present evidence or testimony, you should have copies of your evidence ready to present to the judge and all of your witnesses ready to appear. Remember that the level of technology varies by courtroom, so it is best practice to have all of your evidence printed out.

Some organizations offer free or low-cost legal advice to low-income Vermonters in certain types of cases. A good place to start is Legal Services

Vermont, at 1-800-889-2047. Another referral source is the Vermont Bar Association Lawyer Referral Service, at 1-800-649-7036.

## **Alternative Dispute Resolution**

Increasingly, disputes traditionally resolved by judges in courtrooms have begun to be handled by methods of alternative dispute resolution, or ADR. The most common form of ADR is called mediation. Mediation allows people to settle their disputes via compromise without having to spend the time or emotional energy on lengthy court proceedings.

Mediation typically achieves resolution much more quickly than the court process, and often the parties in mediation have more options than the Court would have to resolve a case. In addition, the participants in mediation have more control over the process, because no agreement will be reached unless both sides agree to it. There are a number of lawyers who specialize in mediation. They can be found by searching online or by contacting the court for a list of mediators in your area.

## **IDENTITY THEFT**

### **What is identity theft?**

Identity theft is a crime. The thief uses your personal information – like your name, your Social Security number, or your credit card number – without your permission for an unlawful purpose.

For example, someone might use your Social Security and name to get a credit card, take out a loan, or rent an apartment. Sometimes the person stealing your identity is a family member or friend. That's identity theft, too.

### **Why is identity theft a problem?**

Let's say the thief gets a credit card in your name, spends a lot of money on the card, and then stops paying the credit card bill. The credit card

company will demand payment from the person who holds the card—you. And the credit card company will report that the holder of that card didn't pay the bill, which damages the holder's credit score—also you. Then, thanks to that low credit score, a landlord may not rent you an apartment, you won't be able to lease a car, you can't get a school loan, or an employer won't give you a job.

It is possible to repair all that damage. But you can expect it to take time, money, and a lot of frustration to work out.

## **How does identity theft happen?**

Think of all the places you or someone else stores your personal information—your purse, wallet, phone, tablet, computer, your school office, your doctor's office, and so on. And think of all the places where your personal information may end up—online, the mailbox, or the trash can. Any of those places, physical or digital, are sites for identity theft.

## **How can you avoid identity theft?**

Don't share your info unless you have to—particularly your Social Security number.

Don't share any personally identifying information unless you initiated the contact or you know it's a legitimate organization and for a legitimate purpose. Don't share identifying information in an email or text message and don't respond to email requests for that information.

This is especially important with your Social Security number. Even if you know the organization is legitimate, avoid sharing your SSN unless legally required to do so. When in doubt, ASK: Why do you need it? How will you use it? Do I really have to give it? How will you protect it?

You will have to provide your SSN when you're hired for a job, filing a tax return, requesting government benefits, opening a bank account, and in a few other situations. You do not have to provide your SSN in a job application form.

Protect your information physically. Guard your mail and trash from theft. Shred papers with personal identifying information, including credit offers you don't respond to. "Opt out" of receiving free offers of credit. Secure your wallet, purse, phone, and other items containing personal information.

Protect your information digitally. Password protect your phone, tablet, computer, and other devices, and your Internet accounts.

Use different passwords for different sites, use strong passwords, and change them regularly.

Don't give out identifying information, or even view it yourself, through an unsecure Internet connection or an unsecure website—including shared WiFi. When shopping online, avoid companies and websites you don't know.

Avoid phishing, spam, and other malicious emails. Don't open attachments without checking they're legitimate. Type in the URL or contact the company directly rather than following a link.

Don't forget to protect yourself on social networking sites. Be careful about oversharing. Identity theft can happen anywhere there's information to steal.

Watch Your Identity. Your best protection is prevention. Your second-best protection is to spot theft early.

Review your credit reports at each of the three major credit bureaus once a year: Experian, Equifax, and TransUnion. Doing so is free. Report any unfamiliar activity. Also review your credit card and bank statements every month and report suspicious activity.

## **What should you do if you're a victim of identity theft?**

Immediately close any accounts that have been tampered with or opened without your permission.



File a police report.

File a complaint with the Federal Trade Commission at [identitytheft.gov](http://identitytheft.gov).

File a complaint with the Vermont Attorney General's Office.

Keep copies of all papers relating to the ID theft, including any police report, and keep a record of all contacts you've made.

Review your credit reports from Experian, Equifax, and TransUnion and contact one of the three credit bureaus to place a fraud alert on your credit reports.

The bottom line is: your personal information is valuable. It's valuable to thieves, and it's valuable to you. It's not just a name, not just an address, not just a number. It's money and time and trouble. And it's yours. So protect it. That's your right.

## **MOTOR VEHICLES**

### **ON THE ROAD: NEW AND USED CARS, REPAIRS AND RULES OF THE ROAD**

#### **Buying a Car**

If you don't already have a car, you probably want one. While a new car would be nice, at today's prices, that might be out of the question.

What type of car do you want or need? What can you afford? Research your choices by reviewing reputable online resources that keep track of reliability, resale value, and maintenance cost.

Compare prices between two or more dealers who sell the same type of cars. Remember, the sticker price you see on the window of the car is only the manufacturer's *suggested* retail price. You don't have to pay that much. Car dealers expect you to bargain with them.

Compare warranties. Most new cars come with at least a 12-month or 12,000-mile warranty, but some have 5-year or 100,000-mile warranties. Most warranties cover powertrain (engine and transmission) and non-wear items; some may cover more. Others offer virtually free maintenance for the first several years. These differences are important, because maintenance and repair costs can add up over time.

Consider financing options. Car dealers offer special low interest financing from time to time, and that can be a cheaper way to finance the car than what you can get from a bank or credit union. If there's not a deal, though, banks and credit unions are usually cheaper than the dealer, when it comes to financing. Compare before you decide where to borrow.

Buy only the options you want. Dealers can put extras such as pinstripes, automatic starters and rustproofing on cars, but they must also tell you that you can buy the car without all the extras. You can usually buy these same items from auto parts or auto specialty stores for much less than what the dealer will charge you.

## **Dealing with New Car Problems**

A problem with your new car can be a frustrating consumer problem. Don't despair! For new car owners Vermont enacted a "Lemon Law" that can result in a refund or new car if the following conditions are met:

- after three attempts (the first of which occurred during the warranty period), your dealer cannot repair a serious manufacturer defect that substantially impairs the use, safety, or value of your vehicle; or
- your vehicle was out of service for 30 or more days during the warranty period; and
- you have not defaulted on your payments.

For further advice on what to do with a possible new car *lemon* (faulty car), check out the brochure available here: <https://dmv.vermont.gov/sites/dmv/files/documents/Lemon%20Law%20Brochure.pdf>.

## **Don't Get Abused When You Buy Used!**

Used cars can offer great deals, but it's hard to really know what you're getting—how the car was driven, maintained or where it was kept. But with a little checking—and using your rights under Vermont law - you can eliminate a lot of the unknowns about a used car you're thinking of buying.

There are three basic rights you have when you buy a used car from a used car dealer: The right to know about the car's past, the right to a safe car, and the right to know how far the car has traveled.

**The Car's Past –** Get a vehicle history report. A lot of people know that as “CarFax,” but there are other companies that produce the same report, for less. No matter how you do it, it's often worth the money. You should try to determine whether there were any problems with the car. Was it ever in an accident? If so, what was the extent of the damage? Were there any problems with the car? Was the damage fully repaired? What was the mileage on the car (the odometer reading) when the dealer bought it?

Some cars come with manufacturer's warranties that may be transferred by the car's previous owner. Check with the dealer or vehicle history report to see if there is a warranty that can be transferred to you when you buy the car. The dealer is not required to give you any warranty apart from the manufacturer's, and he or she may ask you to sign a paper excluding any “implied” warranties that you might otherwise have under state law. However, if the car and the price are otherwise acceptable, negotiate the best deal you can: try to get at least a 30-90 day warranty on all of the major systems of the car, and get it in writing.

**The Car's Safety –** The safety of any car depends on how much use it has gotten and how well it has been maintained. Ask the dealer and the previous owner (if you can identify them) to see all available maintenance and repair records. Older cars with high mileage are likely to have more safety problems than newer cars with low mileage. Safety problems can be caused by rusted-out frame and body parts or worn-out mechanical parts. Always ask to take the car for a ride and have it examined by your mechanic. It is better to rely on an independent evaluation than on the advice of a person who has a financial interest in selling you the car.

In Vermont, a dealer does not have to display a certificate of inspection on the day of sale or transfer of a vehicle. However, if you are satisfied with the information you got from the previous owner and your mechanic—and you have decided to buy the car—insist that the dealer inspect the car and attach a current state inspection sticker to the windshield.

Passing inspection means that the regular and parking brakes, the horn, all lights, the wipers, the suspension, the exhaust system, and the steering work. In addition, the car must have seat belts, a rear-view mirror, tires with sufficient tread, proper alignment, no rust holes in the body, reflectors, fenders, and windows that you can see through in both directions.

The car's appearance can tell you a lot. Check to see if the car has been repainted by looking for paint spray around the locks, along the edge of rubber moldings, and under the hood, trunk, and fender-well areas. If the car was repainted, try to determine if this was because the car had rust holes repaired, or was in an accident, or had defective paint to start with.

**BE SMART:** Get everything the dealer promises in writing. For example, if the dealer tells you, "If you have a problem in the first 90 days, just bring it back," insist on having the promises stated precisely and reduced to a signed *writing*. Otherwise, if a problem does arise, you will have no proof of what the dealer said and may have difficulty enforcing the promise.

**The Car's Mileage** – Anyone who sells you a car must provide a written statement showing the make and model year of the car and the odometer reading (the mileage). The statement should also say whether the mileage on the odometer is the actual mileage that the car was driven, or whether the original odometer has been replaced.

Check the mileage on the vehicle. Does it appear to be low for the year of the car? The average mileage per year is about 12,000 to 15,000 miles. This means that the average odometer reading of a four-year-old car is about 50,000 to 60,000 miles. If the mileage on the odometer is a lot lower, it is possible that the odometer has been tampered with.

Other ways of determining the true mileage of the car:

Examine the date and the mileage indicated on the state inspection sticker located on the inside of the windshield, or on repair orders, and compare with the odometer reading.

If the mileage is low and the car appears to have been repainted, it is possible that the car was involved in an accident. Some cars that are declared “totaled” are sold to used-car dealers and body shops, rebuilt, and resold. Anyone who sells a car in Vermont which has been determined by an insurance company to have been totaled (or a car for which a “salvage” certificate has been issued) must inform a prospective buyer of that fact, both verbally and in writing before a sale occurs. If a car has been totaled, there is a good chance that it won’t hold up very well if it’s crashed again, or that unforeseen problems may develop.

## **Accidents**

If you are in an accident, you must stop as soon as you can without endangering traffic. If you hit an unoccupied vehicle you must leave a note with your name and address; and if you hit roadside property you must try to find and inform the owner of your name and address. If someone is injured, you must help if you are able, and call a doctor or ambulance. You must also exchange the following information with the other driver: name, address, the name of the owner of the vehicle, and driver’s license number.

If the accident resulted in death or injury to anyone or in property damage of \$3,000 or more, you must make a written report to the commissioner of motor vehicles on the forms provided by the commissioner. This report must be mailed within 72 hours after the accident.

If you are in an accident, get the names of witnesses; do not comment on the accident and do not place blame on yourself or others, even though you may think you know where the fault lies; assist the police if possible; see a doctor if you are aware of any injury whatsoever; and inform your insurance company as soon as possible.

## Seat Belts and Helmets

The law requires that the driver and all passengers must wear seat belts, or appropriate child restraints, or else the driver of the vehicle can be fined. The penalty is \$25 to \$50 for violation of this law. In Vermont, helmets are required when riding a motorcycle.

## Insurance

You should always have your auto insurance identification card with you when you drive. (Vermont law doesn't technically allow you to use the app on your phone, but many police officers will choose not to write you a ticket if you can show them this proof.) It is best to keep this information in your car (in the glove compartment or somewhere else safe) or in your wallet with your driver's license. If you are stopped by a law enforcement officer for a moving violation, or if you are involved in an accident, you must present a motor vehicle insurance identification card or evidence of financial responsibility, and proof of uninsured motorist coverage.

You can't drive your car unless you have auto insurance. There are specified minimum requirements for insurance coverage that is required in Vermont. You must provide proof of insurance both to register a vehicle and to have it inspected in Vermont.

## Speed

Speed limits are those posted on traffic signs. If no limit is posted on a state highway, the maximum speed is 50 m.p.h. If it's an unsigned dirt road, the maximum speed is 40 m.p.h. Regardless of what speed is posted, you always have to obey the basic rule: you may drive only as fast as is safe under the prevailing conditions. For example, during heavy rain, snow, or fog, you can be pulled over and fined for imprudent driving even if you were not going faster than the posted speed.

Safe driving guidelines recommend keeping one car length between you and the car in front of you for every ten m.p.h. For example, if you are driving 30 m.p.h. you should keep 3 car lengths between you and the car in front of you.

The points assessed against your license increase depending on how far over the limit you were going. Also, the amount of the fine increases with the amount over the speed limit. Driving considerably over the speed limit can result in either a conviction for careless driving or reckless driving, offenses for which conviction can result in a jail sentence.

## **Drunk Driving**

Vermont law provides that, as a condition of being granted the privilege of operating a motor vehicle in this state, every person who drives has given his or her consent to a breath test to determine the person's alcohol concentration or the presence of other drugs in the blood. If breath testing equipment is not reasonably available, or if you are unable to give a sufficient sample of breath for testing, or if the officer has reasonable grounds to believe you are under the influence of a drug other than alcohol, you can be required to submit to a blood test—but only if the officer can get a warrant.

A person under the age of 21, who operates, attempts to operate, or is in actual physical control of a vehicle on a highway when the person's blood alcohol content (BAC) is 0.02 or more, commits a civil traffic violation that carries a six-month loss of license for a first violation. A second violation suspends the person's license until he or she is 21 or for a year, whichever is longer.

A person may be asked to submit to two different types of breath tests. The difference between these tests is the technology. The first is a preliminary breath test, usually administered roadside. For a person under 21, a refusal to take the test will be considered a violation, subject to the same suspension as failing the test. For a person 21 or older, the preliminary breath test result is not admissible in court for most purposes, although a refusal to take the test may be admissible. The second type of test is the Datamaster or infrared test, usually administered at a police station. A person has the right to speak with an attorney prior to deciding whether to take this test. While a person cannot be forced to take this test, refusing to submit to this test results in a suspension for the first offense, and is a crime on a second offense, with suspensions longer than

a conviction for DUI. The refusal to take this breath test can be introduced into evidence in a court proceeding, but the trial judge must tell the jury that the person had the right to refuse.

For a DUI first offense, the license suspension for refusing to provide a sample is six months, as opposed to three months for a person who takes the test and is over the legal limit of .08%. This is intended as an incentive for people to submit to the test. If your license is suspended, you must complete a court-approved alcohol rehabilitation program, get a drug and alcohol assessment by a licensed counselor, do any follow-up they recommend, and obtain expensive SR-22 insurance. You may, however, be able to get a “restricted driver’s license” (or “RDL”) if you can afford to put a device in your car (called an “ignition interlock device”) that forces you to blow into a tube each time you start your car, and won’t let the car turn on if there’s alcohol on your breath. RDLs are only available immediately for those who don’t refuse the Datamaster.

A person processed for DUI has certain rights. First, the police cannot force you to speak, perform dexterity tests, or take breath or blood tests. Any refusal, however, can be used against you in subsequent court hearings. Second, once arrested, the police must inform you of your “Miranda” rights before questioning can begin. Third, as mentioned above, you have a right to speak with an attorney before deciding whether to take the Datamaster test. There is a 24-hour on-call system of attorneys who take these calls and speak with people free of charge. If, however, the police are unsuccessful in contacting a lawyer after trying for 30 minutes, you will need to make the decision without speaking to a lawyer. If you take the test, then the police must offer you an opportunity to take the test again. In addition, after the police processing is over, you always have the option to go to a hospital to have an independent blood test. If you are incarcerated after the processing, the police, if you so request, will take you to the hospital for an independent test. The results of the independent test would only go to you and/or your attorney.

Under some circumstances, such as if a person has suffered serious bodily injury or has died, or is unable to respond, or if the police think the person is under the influence of drugs rather than alcohol, or if breath testing equipment is not readily available, the police may seek a warrant



to take a blood sample from that person.

The penalties for drunk driving are severe. It is a criminal offense. Therefore, anyone convicted of DUI has a permanent criminal record. For a first offense, the current possible maximum penalty is a \$750 fine, two years in jail, or both. In addition, there is a 90-day license suspension. If there was a refusal to take the breath test, then the license suspension is six months. For a second offense, the possible maximum penalty is a \$1,500 fine, two years in jail, or both. There is a mandatory 48-hour jail sentence for a conviction of a second offense (or 200 hours of community service). Usually, a person convicted of a second offense is placed on probation, in addition to the mandatory 48-hour jail sentence. The length of the license suspension for conviction of a second offense is 18 months. The length of the suspension cannot be shortened.

A third conviction for DUI is a felony. The possible maximum sentence for a third conviction is a \$2,500 fine, five years in jail, or both. Most people convicted of a third offense are incarcerated for a significant period. The length of the license suspension for conviction of a third offense is life. The criminal penalties for subsequent convictions increase significantly.

Drunk driving is a serious crime. People who are otherwise law-abiding citizens are in our jails for violating our drunk driving laws. These laws are tough to protect all of us. Don't violate them.

## **The Point System**

Driving is a privilege which can be denied to you any time you accumulate a certain number of points for violations of the motor vehicle laws in Vermont. Points are given for motor vehicle convictions and are erased after a specified period (generally two years). The motor vehicle law sets out a schedule of offenses and the number of points for conviction of the offense.

When a person accumulates at least 10 points in a two-year period, the Commissioner of Motor Vehicles initiates suspension proceedings. The suspension period for this is 10 days for 10 points, 30 days for 15 points, 90 days for 20 points, and for a period increasing by 30 days for each additional 5 points. However, conviction for certain offenses carries a specified

suspension period, regardless of point accumulation. Accumulation of points may also result in increased insurance rates.

You are entitled to an administrative hearing before your license can be suspended. However, there are no exceptions to the point system of suspension. Issues at the hearing usually center around proper counting of convictions and accuracy of records.

## **Driving and Talking/Texting**

While you are under 18, you are not allowed to use any portable electronic device under any circumstances while driving a car, even if the car is stopped. This rule even applies in a parking lot or driveway, if that area is open to the public. The penalty for using a portable electronic device is a ticket for \$100-\$200 for a first violation, and \$250-\$500 for subsequent offenses.

When you're over 18, you are allowed to use portable electronic devices, as long as they are "hands-free." That means you can't hold it while you talk.

It is also illegal to text your friends, and to read any text that they send you while driving. Texting can include any sort of messaging, whether it's traditional text messages, or over social media platforms. The penalty for texting is a ticket for \$100-\$200 for a first violation, and \$250-\$500 for subsequent offenses. Distracted driving is dangerous, and the fines exist for your protection and the protection of others.

## **LIVING AND WORKING**

### **CHOICES: ON THE JOB**

When finding a job, persistence is key. There are multiple online resources dedicated to assisting jobseekers in their search. Many local news publications regularly post new job applications. Those in search of a job should also consider relying upon their personal connections. Additionally, the Vermont Department of Labor's Career Resource Centers may assist

you in finding employment without a fee. Local offices are located throughout the state.

Regardless of what kind of job you are applying for it is important for you to make a good impression. While certain jobs may require special skills or experience, all employers are looking for employees who will be dependable, hardworking, honest, pleasant, and positive at work.

No matter how you find a job, remember that federal and state laws make it illegal for an employer to refuse to hire you because of your race or color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry, national origin, place of birth, age, veteran status, or crime victim status. Once you have a job, it is illegal to treat you differently with regard to promotions, transfers, wages or other working conditions for any of these reasons. In an interview, employers should avoid asking you about these issues. However, employers may, in some circumstances, inquire about whether you need any accommodations for a physical or mental disability in order to perform the essential functions of the job you seek.

If you feel you have been denied a job for an illegal reason, assistance is available. You should contact the U.S. Equal Employment Opportunity Commission or the Civil Rights Unit of the Vermont Attorney General's Office. If you believe you were illegally denied employment by a state agency you can contact the Vermont Human Rights Commission (802-828-2480). If you file a complaint through these agencies, you are protected from retaliation and cannot later be denied a job for filing a complaint.

## **Your Rights at Work**

Among your rights at work are the right to be paid a minimum wage, and in hourly jobs, to be paid overtime at one-and-a-half times your standard rate of pay for time worked in excess of 40 hours per week. You also have the right to join or form a labor union, and to undertake concerted action with your fellow workers to seek higher wages and different working conditions.

Furthermore, you have a right to a safe workplace. You should notify your employer of any dangerous condition and ask the employer to correct that condition. State law prohibits employers from firing, threatening, or otherwise discriminating against employees for refusing to perform any assignment they believe will expose them or any other person to risk of serious injury.

## **Family, Parental, and Sick Leave**

Vermont employers of any size are required to provide their employees a minimum amount of paid sick leave. With limited exceptions, the sick leave law covers all employees working an average of at least 18 hours per week. Employees are allowed to use available sick leave for their own illness or injury, to care for immediate family members who are sick or injured, to care for immediate family members when their school or business is closed for public health or safety reasons (snow days, for example), or to obtain necessary services when the employee or an immediate family member is the victim of domestic violence, sexual assault, or stalking.

If your employer has 10 or more employees, in any rolling 12-month period, you may also be entitled to up to 12 weeks of unpaid parental leave due to the birth or adoption of a child. Additionally, if your employer has 15 or more employees, you may use the 12 weeks of unpaid leave for your own serious illness or that of an immediate family member. To be eligible for this benefit, you must be continuously employed for at least one year, working an average of at least 30 hours per week.

## **Harassment at Work**

Employers must be committed to prohibiting discrimination against individuals because of any of the legally protected statuses listed above. Employees are entitled to a workplace free of discrimination, including harassment. If an employee believes he or she has been subjected to such discrimination or harassment, the employee should submit a complaint to a supervisor or human resources, or externally to the above-listed agencies.

Sexual activity in the workplace is inappropriate. Under certain circumstances, this activity will rise to the level of breaking the law. Sexual harassment is a form of gender discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to that conduct is made a term or condition of employment;
- submission to or rejection of such conduct is used to make employment decisions; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, the following: unwelcome sexual advances; suggestive or lewd remarks; unwanted hugs, touches, kisses; requests for sexual favors; pornographic posters, cartoons or drawings; sexual jokes and banter; comments on an individual's body or sexual activity; retaliating for complaining about sexual harassment. Remember that the issue of offensiveness is considered from the point of view of the person who feels harassed. Even if your harasser thinks his or her conduct was innocent, this should not dissuade you in filing a complaint.

All employers are required to provide each employee with a copy of a written sexual harassment policy, including instructions for reporting sexual harassment. Retaliation against an employee for reporting sexual harassment or for cooperating in an investigation of a complaint of sexual harassment is unlawful.

## **Drug Testing**

Unless you work in a position governed by federal law (military jobs, or CDL drivers, for example), there are significant restrictions placed around a Vermont employer's ability to drug test employees. After you are employed, the employer cannot require you to take a drug test as a condition of employment, promotion, or other part of your employment. Vermont employers cannot conduct random or company-wide drug

testing unless required by federal law. You may only be drug tested if your employer has probable cause to believe you are under the influence of a drug on the job. The employer must also have a drug or alcohol rehabilitation program available for employees, and if you successfully complete this program, you cannot be terminated for your first positive drug test.

It is substantially easier for Vermont employers to test job applicants. If an employer has offered you a job, you are given appropriate written notice of the type of drug test the employer wants you to take, and the test is part of a comprehensive physical examination, you may be required to submit to the test in order to move forward with employment.

## **Unemployment Insurance and Workers' Compensation**

If you become unemployed and have worked in Vermont at any time in the past 18 months, you may be eligible to receive unemployment insurance. Once you become totally or partially unemployed, you should establish a new claim with the Vermont Department of Labor as soon as possible. An unemployment compensation claim becomes effective when filed, so if you choose to wait to file your claim, then you may not go back to the date you first became unemployed.

You also have certain rights if you are injured on the job. These rights arise under the Vermont Workers' Compensation Law. Employers are required to post notices summarizing your workers' compensation rights. Generally, workers' compensation benefits may include compensation for time away from work while you are totally or partially disabled by a work injury. If you have an injury on the job, you should report it immediately to your employer.

## **RENTAL HOUSING**

Renting an apartment or house is a step to being "on your own." Being careful about the legalities of renting will save you many hours of turmoil and money. A general rule to remember here is, "When in doubt, write it out." For more information on any of the topics discussed in this section, contact the free tenant hotline operated by the Champlain Valley Office of

Economic Opportunity (CVOEO) at 802-864-0099. You can also download their handbook *“The Definitive Guide to Renting in Vermont”* at [https://www.cvoeo.org/fileLibrary/file\\_212.pdf](https://www.cvoeo.org/fileLibrary/file_212.pdf).

## **Residential Leases**

Rental agreements can be either oral or written. Oral agreements are just as binding as written agreements, but they are more difficult to prove, and while there is no law stating that a tenant must receive a written lease, it is preferable for both parties to get any agreements in writing.

Tenants should always get copies of leases and all agreements that they sign. Without a copy of the lease, a tenant may have difficulty proving to the terms of the rental agreement. All written agreements should be kept in a safe and accessible place to refer to if and when problems arise. Agreements between roommates regarding financial and other responsibilities should also be written down with copies to all involved, as they can also be helpful in preventing problems.

Leases may be transferred from one landlord to another when the building is sold.

The rental agreement determines the specific rights and responsibilities of both tenants and landlords, but it cannot contradict or override federal, state, or local laws. For example, a landlord may not put a provision in a lease allowing him or her to physically kick a tenant out or cut off the utilities because of unpaid rent.

You should always read leases carefully and ask about terms you don't understand, and you should try to get landlords to change or remove lease terms which seem unfair. If either landlords or tenants have questions about the legality of a clause in the lease, they should seek legal advice.

## **Discrimination is Illegal**

You should know that federal and state laws make it illegal, with a few exceptions, for landlords to refuse to show or to rent property to you or to require different rental terms because of your age, sex, sexual

orientation, race, religion, physical or mental disability, or ethnic background, or because you receive public assistance or have minor children. The Vermont Human Rights Commission is authorized to investigate claims of housing discrimination. Their number is 802-828-2480.

## **Safe and Decent Housing**

Vermont's warranty of habitability law requires that the home you rent be safe, clean, and fit to live in. It must also comply with any local housing codes and state plumbing and electrical codes. The law requires landlords to promptly fix any condition that could harm your health or safety, like water from a leaky roof dripping on electrical wiring. All rental properties must also be equipped with smoke detectors and carbon monoxide detectors near bedrooms and in the basement of the building.

If your landlord fails to provide housing that meets code, you should notify your landlord of any problem in writing. If your landlord does not respond to your concerns, you should also contact the town health officer or housing inspector and ask for an inspection to verify that the problem is a violation of the housing code. Once the health officer or town board of health issues an order, your landlord must make the repairs within a reasonable amount of time. The meaning of "a reasonable amount of time" will vary depending on the severity of the problem. To find out who your town health officer or housing inspector is, call the Vermont Department of Health at 1-800-464-4343.

If the tenant gives the landlord written notice of a problem that materially affects the health and safety of the tenant, and the landlord fails to make repairs within a reasonable amount of time, there are several remedies available to the tenant. These include:

- Withholding rent until the problem is corrected.
- Getting an order from a judge telling the landlord to correct the problem.
- Suing for damages, costs, and attorney's fees.
- Terminating the rental agreement on reasonable notice.



A tenant can do any one or all of these at the same time. The only instance where these remedies are not available is if the tenant or the tenant's guests caused the problem negligently or deliberately. If you are considering any of these options, you should seek legal advice.

## **Minor Problems: Repair and Deduct**

For minor problems that violate the housing code, the warranty of habitability, or the terms of the rental agreement, the tenant has the option of repairing the problems and deducting the cost from the next month's rent.

In order to repair and deduct, a tenant must first give the landlord notice of the problem, preferably in writing. If the landlord fails to make the repairs within 30 days of being notified, the tenant may make the repair and deduct from the rent the actual and reasonable cost of the work, but no more than one half of one month's rent. The tenant must give the landlord written notice of the cost of the repairs when the deduction is made, along with receipts if available. Repair and deduct is not an option if the problem was deliberately or negligently caused by the tenant or the tenant's guests.

## **Renter's Insurance**

Most landlords have insurance on their buildings, but this insurance typically does not cover a tenant's personal belongings. Renter's insurance is inexpensive and usually covers vandalism, theft, fire, and water damage. Depending on the value of your belongings, renter's insurance is a good thing to have. For more information about renter's insurance from the Vermont Department of Financial Regulation, visit <http://www.dfr.vermont.gov/insurance/insurance-consumer/renters-insurance-advisory>.

## **Security Deposits**

A security deposit is any deposit or prepaid rent that is refundable to the tenant when the tenant moves out. It should be used only for damages beyond normal wear and tear, unpaid rent or utility bills owed by the

tenant, or to cover expenses for removing belongings left behind after a tenant has moved out.

The landlord must return the security deposit by hand-delivering or mailing it to the tenant's last known address within 14 days from the day the tenant moves out, together with a written statement itemizing any deductions. If the landlord fails to return the entire deposit or the written statement within the 14-day period, the landlord forfeits the right to keep any portion of the deposit and must return the entire deposit. The 14-day period begins to run on the day the landlord becomes aware that the tenant has moved out. Typically, this will be the last day of the lease or the day that the landlord and tenant have agreed upon for a move-out, but not always. A tenant who does not receive his or her deposit back or who disagrees with some of the deductions can bring suit either in small claims court or civil court. If you are considering these options, you should seek legal advice.

If the landlord willfully withholds or fails to return the security deposit and written statement, the landlord will be ordered to pay the tenant double the amount that was wrongfully withheld, plus reasonable attorney's fees and costs. If you believe this situation applies to you, you should seek legal advice.

If the landlord returns a check for only part of the deposit, and the tenant feels he or she should get more back, the tenant may cash the check and still pursue his or her right to contest the balance of the deposit.

If the building is sold, the former owner must transfer the deposit to the new owner, and the new owner must give the tenant his/her name and address and state that the deposit has been transferred. The new landlord then becomes responsible for returning the deposit. Some municipalities have separate security deposit laws that require that interest be paid on security deposits and that the deposit be kept in a separate account. As an alternative to small claims court, some municipalities have housing boards that can hear security deposit disputes.

## Privacy and Access

Your landlord may need to come into the rental unit on occasion. However, the landlord must respect your privacy. State law clearly sets out when and under what circumstances a landlord may enter the tenant's apartment. A landlord may enter with the tenant's permission at any time they both agree upon and the tenant may not unreasonably withhold permission. A landlord may also enter without the tenant's permission, but only after no less than 48 hours notice, only between the hours of 9 a.m. and 9 p.m., and only for the following reasons:

- to inspect the premises;
- to make repairs, alterations, or improvements to the apartment;
- to supply agreed upon services; or
- to exhibit the apartment.

Finally, a landlord may enter the apartment without consent or notice only in a case of genuine emergency, when the landlord "has a reasonable belief that there is imminent danger to any person or property."

## Late Fees

Tenants have an obligation to pay their rent on time, since landlords rely on timely payment from their tenants in order to meet their own payments for mortgages, taxes, maintenance, etc. A landlord may charge the tenant a "late fee" for untimely payment of rent only if (1) the fee is specified in the lease; and (2) the fee is reasonably related to the landlord's costs incurred because of late rent. "Penalty" fees are not allowed.

## Rent Increases

Landlord must give tenants written notice of a rent increase at least 60 days before the first day of the rental period when the increase starts. For example, when rent is due on the 1st of the month, if notice is given on June 25th, the tenant must pay the rent increase starting on September 1st. Except for residents of mobile home parks and subsidized housing, there are no laws regulating the amount of an increase or how often the

rent can be raised. If there is a written lease, the landlord may not increase the rent during the duration of the lease term unless the lease specifically allows it. In Burlington, the notice must come 90 days before the first day of the new rental period.

## **Moving Out**

**With No Lease.** If there is no written lease or other agreement, the law requires that before moving out the tenant must give the landlord written notice at least one rental payment period prior to the move-out date.

**With a Written Lease.** When a written lease expires it does not automatically terminate the tenancy, unless the lease specifically states that the tenancy terminates and the tenant must leave when the lease is up. If the lease does not state this, the tenancy becomes month-to-month after the lease expires and is then governed by the laws that regulate such tenancies. Therefore, tenants who wish to move out at the end of the lease term should give the landlord written notice of their intention at least one full rental period before the lease expires.

## **Evictions**

Eviction is the legal procedure used when a landlord wants a tenant to move out of an apartment. The eviction process protects the rights of both parties. A tenant is not “evicted” until the entire court process is complete, a judge issues an order, and the order is delivered to the tenant. Under no circumstances may a landlord remove a tenant who is still living in an apartment without first getting a judge’s order to do so.

If a landlord wants to evict a tenant, he or she must first give the tenant a notice to vacate. Proper notice must be written, give the reason for the eviction, include the termination date, and be properly furnished to the tenant a specific period of time in advance. The amount of advance notice the tenant receives depends on the reason for the eviction.

If a tenant hasn’t moved by the termination date, the landlord can sue the tenant in court to get him or her out.

**Eviction for Non-Payment of Rent.** In non-payment of rent cases, actual notice must be given by a written notice, hand-delivered to the tenant or mailed to the tenant’s last known address. It must give the tenant at least 14 days before the termination date specified in the notice to leave or face eviction. The tenant has until the termination date to pay the rent owed in order to avoid an eviction lawsuit; if the tenant pays all the rent before the termination date, the rental agreement continues.

The notice must specifically state how much rent is due, and that if the tenant pays all back rent due before the termination date, the tenancy will continue. A tenant can “catch up” this way only three times in twelve months. Note that even if a tenant “catches up” on rent, the landlord may be able to seek eviction for other reasons.

**Eviction for Breach of Rental Agreement.** If the tenant violates the lease or the landlord/tenant law for reasons other than non-payment of rent, the landlord may terminate the tenancy by giving the tenant at least 30 days written notice. The notice must specifically state what actions of the tenant caused the eviction.

**Eviction For No Cause Without a Written Rental Agreement.** If a landlord is evicting a tenant for a reason other than those listed above or for no reason at all, and the tenant is renting month-to-month or weekly, the tenant is entitled to at least 60 days notice if renting by the month, or 21 days’ notice if renting by the week. However, if a tenant has resided in the unit for longer than two years, the landlord must give the tenant at least 90 days notice. Note that these periods are longer in some municipalities like Burlington. If there is a lease for a set period of time, the tenant may not be evicted for no cause before the end of the lease unless the lease specifically allows it (see below).

If a tenant receives a 60 day no-cause termination notice and decides to move earlier, he or she must still give the landlord a full rental payment period notice of moving (see “Moving Out.”)

**Eviction Under a Written Rental Agreement.** If there is a written lease, it may provide that the landlord, the tenant or either may terminate the tenancy for no cause or for any reason on which the parties agree. Such a provision may reduce the notice period required for a no-cause eviction

to less than 60 days, but, except in cases of nonpayment of rent, under no circumstances may the lease allow the landlord to give less than 14 days notice of termination if rent is payable monthly, and 7 days if payable weekly.

## **Subleases**

Be careful when dealing with subleases. If you have a year-long lease and you are moving away for the summer, or if you are only looking to rent a property for a few months, you might want to consider a “sublease,” meaning that a tenant is renting the property to a sub-tenant. Subleases should only be entered into with the landlord’s permission, and it is highly advisable to get that permission in writing. If a tenant is subletting an apartment without the landlord’s permission and the lease prohibits subleasing, the subtenant may be subject to an “expedited” eviction action without many of the protections normally afforded tenants in Vermont.

## **Going to Court**

If the tenant hasn’t moved out (or caught up on rent, if the reason for eviction is non-payment of rent) by the termination date in the notice, the landlord can sue the tenant in court. The landlord must have the court papers (Summons and Complaint) delivered to the tenant by a process server, usually a sheriff. Once the tenant is served with a Summons, he or she must give a written response (called an Answer) to the court and give a copy of the Answer to the landlord’s lawyer within 20 days of being served. If a written response is not filed, the court may issue “default judgment,” which will likely allow the landlord to take possession of the property soon thereafter.

Very often, in connection with the eviction action the landlord will also seek a “rent escrow” order. If a rent escrow order is entered, it means that the tenant must pay the monthly rent to the court while the eviction is pending. If the tenant misses a payment, the landlord may get a writ of possession allowing him or her to take possession of the property within five days. Tenants may argue against the entry of a rent escrow order, and it is a good idea to seek legal advice if you are facing a rent escrow hearing.

The eviction case will eventually be scheduled for trial unless the tenant and landlord work out a deal beforehand. Such a deal may provide, for example, that the tenant will move out on a certain day, in exchange for the landlord dropping some or all of his or her claim for back rent. It may also provide that the landlord will do needed repairs and the tenant will start paying rent again when the repairs are completed. Any settlement should be put in writing with each party getting a copy, and another copy should be filed with the court clerk.

Some organizations offer free or low-cost legal advice to low-income Vermonters in certain types of cases. A good place to start is Legal Services Vermont at 1-800-889-2047.

## **Illegal Evictions**

It is **ILLEGAL** for the landlord to:

**TURN OFF** the heat, electricity, or other utilities except for temporary interruptions for emergency repairs.

**PADLOCK OR CHANGE THE LOCK** on the door to the apartment (without a court order) so the tenant cannot get in.

**MOVE THE TENANT'S BELONGINGS** out of the apartment without a court order, unless the tenant has abandoned the apartment.

**CONFISCATE OR DENY A TENANT ACCESS TO HIS OR HER BELONGINGS** due to back rent owed or any other reason. (The landlord may, however, require the tenant to pay reasonable moving and storage costs if the landlord has lawfully removed the tenant's property.)

## **Remedies for Illegal Evictions**

If the landlord has done any of the above, the tenant should:

Notify local and/or state police at once that the landlord has committed an illegal eviction.

If utilities have been shut off, notify the utility company and the town health officer or housing inspector (see “Safe and Decent Housing.”)

If the landlord has illegally locked the tenant out, contact an attorney or Vermont Legal Aid to explore bringing an action for a restraining order and other injunctive relief, damages, costs, and attorney’s fees. Of course, it is always a good idea to talk first with the landlord about letting you back in before going to court.

## **DATING, MARRIAGE, AND CHILDREN**

### **Dating**

Dating comes with legal rights and responsibilities, particularly when it comes to decisions and behavior involving sex.

Here are three critical things to know:

- It is a crime to engage in a sexual act with a person without getting their consent first.
- Persons of any gender, sex, or sexual orientation may be the victim or perpetrator of sexual assault and domestic abuse.
- If something has happened to you, remember that it’s not your fault and help is available.

### **Abuse in an Intimate Relationship**

Violence and abuse may exist in any type of intimate relationship, including dating. Abusive behaviors include physical violence, sexual violence, harassment, stalking, and threats. Abusive actions can be in-person or electronic. Dating abuse can occur with partners of any age, sex, gender, or sexual orientation.

Some abusive behaviors are criminal, such as sexual assault, physical assault, and stalking. Others are not, but the law can still help you. If you feel that your personal safety is being threatened, call the police. If you



don't know whether the behavior is abusive, call the statewide Domestic Violence Hotline at 1-800-228-7395.

If you and the person threatening you are dating or have dated, or are in a sexual relationship or have been in a sexual relationship, you may also file for a temporary relief from abuse order at any Vermont family court, at no cost. If the judge grants the order, it will be valid until a hearing date, which will be held within 14 days of the order date. At that hearing, after both sides have an opportunity to be heard, the judge may grant a final order for relief from abuse that usually is good for one year or more. It may be renewed at the end of that period. For more information, visit the Vermont judiciary's website, [www.vermontjudiciary.org/family/relief-abuse](http://www.vermontjudiciary.org/family/relief-abuse).

The order will tell the abuser to stop abusing you, and the abuser may have to follow certain conditions, such as staying away from where you live or work or not contacting you. Sometimes the order includes temporary living expenses. Violating a relief from abuse order is a crime.

There are other criminal law protections available through and enforced by the police. You do not have to choose between family court and the police to get protection from abuse; both the family and criminal courts can protect you in different ways.

## **Sexual Violence**

It is a crime to engage in a sexual act with a person without getting their consent first. This is true even if the two people know each other or have been dating for a long period of time. It's true even if the people have engaged in sexual activity before. In fact, in most instances of sexual assault, the perpetrator and victim know each other. Non-consent includes force through physical violence, but it also includes threats, intimidation, and using drugs or alcohol to take advantage of the victim.

It is a crime to engage in a sexual act with someone under the age of 16, regardless of whether or not that person consents, unless both people involved are between 15 and 19 years old, and the act is consensual. Even

if someone tells you that he or she is older than 16 years, if it is not true, the act is still against the law.

If someone has forced you to engage in any sexual contact or activity against your will, you should contact the police by calling 911 and the Sexual Violence Hotline at 1-800-489-7273. The hotline will automatically connect you to the nearest rape crisis center, and it's confidential to anonymous callers. An advocate can help you sort out your options and your feelings. If you're unsure whether what happened is sexual assault, call the hotline.

Unwanted sexual contact puts both your health and safety at risk and should be taken seriously. Protect yourself by taking control of your own safety. Avoid situations where you feel threatened or uncomfortable. Unwanted sexual contact can be dangerous and can have an impact on your health and well-being. Trust your instincts and seek help if something feels wrong. If something has happened to you, remember that it's not your fault and help is available.

## **Birth Control and Abortion**

It is important to protect yourself by obtaining information and by being responsible about your sexual activities. You can obtain birth control information and devices without your parents' consent, even if you are a minor. You also have an unrestricted right to get an abortion. Birth control information (called contraceptives) and abortion information can be obtained from your family doctor or medical clinic, Planned Parenthood of Northern New England (with offices throughout the state), or pregnancy care centers (with offices throughout the state). Note that Vermont requires health insurance plans to provide coverage for birth control.

## **Marriage**

Both same-sex couples and opposite-sex couples may legally marry. If you get legally married in another state in the country, you are also legally married in Vermont.

If both you and your partner are 18 or older, you do not need your parents' consent to get married. Your parents' permission is needed if you are between the ages of 16 and 18. You may not marry if you are less than 16.

After obtaining a marriage license from the town clerk in the town where you or your partner reside, you may be married by a judge, justice of the peace, or an ordained or licensed member of the clergy of any religion. A person over 18 years old may also register to become a temporary officiant.

Once married, you may choose whether to take your partner's last name, keep your own, or create some combination of the two names. If you change your name, you will have to send notification of your name change to organizations such as the Social Security office, the Post Office, and any place where you maintain bank accounts or credit cards.

As a married couple, you may wish to change your bank accounts to "joint accounts"—accounts in both of your names. Joint accounts can provide a "right of survivorship," which means if either of you dies, the other spouse automatically owns everything in the account without having to get ownership through the court. Joint accounts are also handy in that you both have equal access to your funds, which could be important in cases of sickness or emergencies.

With respect to property, each marital partner owns what was brought into the marriage, whether it be real estate, a car, jewelry, cash, household items, or any other property. Being married does not give you the right to manage the other person's property. But, if you get divorced, the family court will divide the property you or your spouse brought into the marriage, as well as any property you gained during the marriage.

No matter where or how you are married, remember: marriage is a contract that imposes certain obligations. For example, each spouse must support the other, and parents must support their children. If you do not, you could be charged with a crime, and you could have your children taken from you and placed with a relative, foster home, or the state.

## Children

Both legal parents are responsible for providing financially for their child, even if the parents are not married. If a baby's birth mother is married, the law will assume the husband is her child's legal father. If a mother is unmarried, the mother will be considered the sole legal guardian until a legal order establishes that the father is the child's parent. Listing the father's name on the birth certificate does not establish parentage.

Unmarried parents can establish a child's father by signing a Voluntary Acknowledgement Form and filing it with the Vermont Department of Health. Both parents must sign the form. Signing the form means that either parent may seek rights and responsibilities or ask for parent-child contact, and both parents have a legal duty to financially support the child. You can also establish parentage by filing a parentage case in family court.

Being a parent is more of a responsibility than a right. If you cannot meet your responsibility to your child and place your child in circumstances that jeopardize the child's health or welfare, the law permits the state to remove your child from your home. This law applies to parents of all ages.

## Divorce

To end a marriage, you must get a divorce. To get a divorce, you must file for divorce in the family court. To file, one of you must have been a resident of Vermont for at least six months. Before the court will hold a final divorce hearing, one of you must have lived continuously in Vermont for at least a year.

There are several legal grounds for a divorce, but the most common is "no fault," that is, living separate and apart for at least six consecutive months, without any likelihood you will get back together. Once one of you files for divorce, there is usually an automatic order that essentially preserves circumstances as they are—so you can't sell property, move out of state with your children, remove your partner or children from your medical insurance policy, and so forth—until you and your partner agree on what to do or the court makes an order about those things.

The court can make a variety of orders when it grants a divorce or dissolution, including ordering either party to pay spousal maintenance (alimony) to the other. The spousal maintenance order may require regular monthly payments or a lump sum payment.

If you have children, the court will also issue an order determining parental rights and responsibilities for the children, which means custody, visitation rights, and the amount of child support to be paid. In determining parental rights, the court's decision is controlled by "the best interests of the children." The court can change spousal maintenance, custody, visitation, and child support at a later date, but only if circumstances change substantially after divorce.

The court will equitably divide the "marital property," which includes all property that you and/or your partner own, wherever it is and however and whenever it was acquired. This does not mean that all of the property will be divided equally or according to any formula. It means that it will be divided in a way that the court considers to be fair and equitable to both parties. To do so, the court will consider the length of your marriage, the age and health of each party, how much each of you contributed toward acquiring the property, including the value one of you may have provided as a homemaker, the value of the property given to each of you, what you and your partner may have done to increase or decrease the value of your property, and your respective economic circumstances at the time the property is to be divided. The court may also take into account the conduct of each party during the marriage, including adultery, abuse, or desertion.

You and your partner can agree on all the issues in your divorce before you go to court. Or you may be able to agree to many of the issues. You can then write down and sign your agreement and offer it to the court as a "stipulation." An attorney can be very helpful in this. A stipulation may simplify the divorce process. The court will review the negotiated settlement and either accept it or hold a hearing at which it will take evidence and then issue its order.

# INTERNET SAFETY

The Internet may be the world's "information superhighway," but like any highway, it has its risks. When you go online, you should keep these in mind.

What are the risks on the Internet, and how can you avoid them?

**Predators.** There is always a risk that, while online, you may provide information or arrange an encounter that could compromise your safety. In some cases, pedophiles have used e-mail, bulletin boards, and chat rooms to gain a young person's confidence and then set up a face-to-face meeting. Of course, you can't tell whether the other person online is who they say they are—a "teenage girl" could turn out to be a middle-age man. **BE CAREFUL!** If you have reason to believe that something is wrong, call the police.

**Loss of Privacy.** Whenever you enter information online, you're giving up a bit of your privacy. Be aware of the data that you are giving to the websites that you visit, and when in doubt do the research. Pay attention to the permissions you are granting to apps on your phone, and in particular the permission to know your location. On social media sites and apps like Facebook, Instagram, Twitter, and Snapchat, pay attention to your privacy settings and make sure that you are comfortable with them.

**Online Security.** Do not use the same password for every account you have online, and do not use a password that can be easily guessed or cracked by brute force. Ideally, use a password manager that generates complex, hard-to-crack passwords and stores all of your passwords for you in a secure place. Change your passwords regularly and pay attention to data breaches for the sites that you visit. Always log off of websites when you leave your computer, especially if you're using a public computer.

**Viruses, Scams, and Phishing.** Use anti-virus software on your computer and beware of unknown websites and in particular suspicious looking emails. Emails may appear to be from someone you know, but actually be sent from a malicious email address. Do not click links in emails that you do not trust, and do not send sensitive information to unknown people by

email. If you get a suspicious-looking email from a company like Amazon, PayPal, or something similar asking you to log in to your account, you can always go directly to the company's website to view your account information.

**Is It Legal to Download This?** Downloading copyrighted content from the Internet is against the law. Don't do it. It is also against the law to download sexual content involving children under 18. If you are convicted of possessing (or attempting to possess) child pornography, you may have to register as a sex offender for life.

**Sending Photos or Videos Online.** Sending explicit or compromising photos or videos of yourself is a bad idea. Once you create a photo or video of yourself and send it to someone else on the Internet or over your phone, you no longer have control over it. You don't know where it will end up, and you can't ever delete it. In addition, creating or possessing explicit photos of children under 18 is a crime, because it falls under child pornography laws.

**Technology at Work.** If your job provides a computer or phone, or if you're connected to your employer's network using your own computer or phone, be aware that your employer probably has the right to monitor your activity online. You should not expect complete privacy when using your employer's computer, phone, or network. If you have any questions, check with your employer about its privacy policies.

**Monitoring Your Accounts.** If you are signed up for online banking or online statements through a bank or credit card company, monitor the activity on your accounts and look out for suspicious transactions. It's a good idea to opt in to any security features your bank offers that are designed to prevent fraudulent transactions. If you suspect that your account has been compromised, contact your financial institution immediately. You can also monitor your credit report through the three major credit bureaus: Experian, Equifax, and Transunion. You are entitled to one free credit report from each of those bureaus once per year.

# PUBLIC BENEFITS OVERVIEW

Many people run into financial problems at some time in their lives. If you ever need financial support when you are “on your own,” there may be a public benefit program available to help you pay for basic living expenses, healthcare, housing, utilities, or food. The following is a brief overview of some public benefit programs available to Vermont residents.

It is important to keep in mind that each benefit program has its own eligibility rules. “Vermont 211” (<http://www.vermont211.org/>) is a great resource for determining what benefits or services you may be eligible for. If you are not eligible for one type of benefit, you may still be eligible for another, even if the programs are run by the same office. The Vermont Department of Children and Families (DCF) also provides helpful information on available benefits:

(<https://dcf.vermont.gov/mybenefits> .

If you apply for a government benefit and are turned down, you always have the right to appeal that decision. If you want legal advice about appealing, you should contact Vermont Legal Aid or Legal Services Vermont (<https://vtlawhelp.org/> or 1-800-889-2047).

## General Financial Assistance

**Reach Up.** Low-income households with children can receive services, case management, and monthly cash payments to help with necessities; the amount depends on your income, housing costs, and household size. Apply through the Vermont Department of Children and Families (DCF) (<https://dcf.vermont.gov/benefits/reachup>, or 1-800-479-6151).

**Post-Secondary Education Program.** Low-income parents who are attending college may be eligible for monthly payments from this program. Apply through DCF (<https://dcf.vermont.gov/benefits/reachup/PSE>, or 1-800-479-6151).

**Child Care Financial Assistance.** Parents may get help paying for child care under certain circumstances. Apply through DCF (<https://dcf.vermont.gov/benefits/ccfap> or 1-800-649-2642). Your local



municipality or child care providers themselves may also offer assistance. In Burlington, for example, the Early Learning Initiative provides scholarships for qualifying families:

(<https://www.burlingtonvt.gov/it/earlylearning>).

**Essential Person Program.** Cash assistance may be available for low-income disabled or elderly persons, to help with the cost of a live-in caretaker. Apply through DCF (<https://dcf.vermont.gov/benefits/essential-person> or 1-800-479-6151).

**Emergency/General Assistance.** Available to help eligible individuals and families to meet their emergency basic needs, such as housing, utilities, and medical costs. Apply through DCF (<https://dcf.vermont.gov/benefits/EA-GA> or 1-800-479-6151).

**Social Security.** If you are disabled and under age 65, you may be eligible for federal Social Security Disability payments (SSDI) or Supplemental Security Income payments (SSI). There are also monthly payments available in some cases for the children, spouse, or divorced spouse of a worker who has become disabled or otherwise incapacitated. Apply through the Social Security Administration: ([www.socialsecurity.gov/applyfordisability](http://www.socialsecurity.gov/applyfordisability), or 1-800-772-1213).

**Unemployment Compensation.** Unemployment compensation is available to all eligible Vermont workers and provides money to replace part of your lost wages if you have been separated from employment, or if your work hours have been reduced. Apply through the Vermont Department of Labor (<http://labor.vermont.gov/unemployment-insurance/>, or 1-877-214-3330).

**Veterans' Benefits.** Monthly payments are available to eligible military veterans and their immediate families. Apply at the U.S. Department of Veterans' Affairs (<https://www.benefits.va.gov/BENEFITS/Applying.asp>, or 1-844-698-2311).

**Tax Credits.** Tax credits are available to certain taxpayers at both the state and federal levels. A tax credit is a tax incentive which allows qualified taxpayers to reduce their tax liability to the state. Tax credits are available for both individuals and businesses and provide incentives to support

business growth and activities in Vermont. The Earned Income Tax Credit is specifically available for low- and moderate-income households. For more information, contact the Vermont Department of Taxes (<https://tax.vermont.gov/individuals/income-tax-returns/tax-credits>, 1-802-828-2505).

**Renters Rebate and Homeowners Rebate.** Vermont has significant rebates available for homeowners and renters who are low income. If you paid rent or paid property tax, you can be eligible for a rebate, even if you didn't have taxable income. Apply through the Vermont Department of Taxes (<https://tax.vermont.gov/property-owners/>, 1-802-828-2505).

**Workers' Compensation.** All Vermont employers are required to offer their employees the benefit of workers' compensation insurance. If you are unable to work because of a work-related injury or illness, you may be eligible to use this benefit to replace your wages. Your employer should complete an injury report immediately after an injury occurs, and you may then pursue an insurance claim through your employer's workers' compensation carrier. For more information, contact the Vermont Department of Labor (<http://labor.vermont.gov/workers-compensation/>, or 1-802-828-2286).

**3SquaresVT.** This program is designed to assist eligible families with putting three healthy meals on their table every day. The benefits you may receive will depend on household size and income. For information, contact DCF (<https://dcf.vermont.gov/benefits/3SquaresVT>, or 1-800-479-6151).

**Women, Infants & Children (WIC).** This program provides eligible individuals with healthy foods, nutrition education and counseling, and breastfeeding support. Learn more through the Vermont Department of Health (<http://www.healthvermont.gov/family/wic>, or 1-800-649-4357).

## Health Care

Since the enactment of the Affordable Care Act in 2010, more employers are now offering health insurance benefits to their employees. For Vermonters without employer-provided insurance, the state has setup a

health insurance marketplace, where individuals may compare and purchase health insurance plans:

(<https://portal.healthconnect.vermont.gov>). A number of additional programs are also available to help Vermonters in need of further assistance.

**Medicaid and Dr. Dynasaur.** Medicaid and Dr. Dynasaur are health care programs for children, parents, caretakers, the elderly, and people with disabilities who meet eligibility requirements. Dr. Dynasaur is specifically available for children and pregnant women. More information is available through Vermont Health Connect (<https://info.healthconnect.vermont.gov/Medicaid> or 1-855-899-9600).

**Prescription Assistance.** The State of Vermont offers programs such as the Healthy Vermonters and VPharm programs to assist eligible individuals with paying for prescription medicines. More information is available through Green Mountain Care:

(<https://www.greenmountaincare.org/prescription>, or 1-800-250-8427).

## Housing and Utilities

In addition to some of the general benefits listed above, there may be more assistance available for individuals with housing needs.

**Affordable Housing.** There are many types of lower-cost housing available in Vermont. Local housing authorities can provide information, and information is also available through the Vermont Affordable Housing Coalition:

(<http://www.vtaffordablehousing.org/>).

**Rural Housing Service.** This federal program offers low-interest loans, grants, and other assistance to build or improve housing and other community facilities in rural areas. For more information, contact the Vermont state office ([www.rd.usda.gov/vt](http://www.rd.usda.gov/vt), or 1-802-828-6080).

**Section 8.** The Section 8 program can provide regular monthly help with rent payments, and in some cases mortgage payments. This federal

program is administered by local public housing authorities, as well as the Vermont State Housing Authority ([www.vsha.org](http://www.vsha.org), or 1-802-828-3295).

**Fuel Assistance.** This program may help pay part of your home heating bills. Apply through DCF (<https://dcf.vermont.gov/benefits/fuel-assistance>, or 1-800-479-6151). The Crisis Fuel program may also be available to provide additional assistance for low-income families experiencing a crisis (<https://dcf.vermont.gov/benefits/crisis-fuel>).

## **TO YOUR HEALTH (INSURANCE)**

Health insurance is a way to protect your health and your economic future by avoiding debt. For young adults, there are a few different ways to obtain health coverage, some designed specifically for you.

When you take a job, your employer may offer you job-based health insurance. If you work for a large enough employer, your company may be required to offer this benefit.

If you're on a parent's job-based health insurance plan, you can typically stay on it until you turn 26. This generally remains the case even if you start or leave school, get married, have or adopt a child, or turn down an offer of job-based coverage.

If you're in college, you may be able to enroll in a student health plan offered by your school. You may also apply for and obtain coverage through Vermont Health Connect. If your income is low or you have certain life situations, you may qualify for free or low-cost coverage. Vermont Health Connect may be accessed online at <https://healthconnect.vermont.gov/> or by phone at 1-855-899-9600.

## **ADVANCE DIRECTIVES FOR HEALTHCARE – POWER OF ATTORNEY – LAST WILL AND TESTAMENT**

When you reach legal adulthood at age 18, you are responsible for caring for your person, your property and for making your own decisions. There

are a few documents you can put in place now to appoint someone you trust to help you in case you need assistance sometime in the future.

## **Advance Directives for Healthcare**

This document appoints an agent to make healthcare decisions for you in the event you are unable to make those decisions yourself. Your agent may be a parent, spouse, relative, or any adult you trust to care for you in an emergency situation. The form also contains a few questions you can answer to give your agent some guidance about how you would want your care to be handled. These questions allow you to make choices about your own future now in case you lose the ability to make those choices in the future.

Your advance directive also allows your appointed healthcare agent to access your private health information and learn about your care in case you are ever in the hospital. For example, this could be helpful if you are attending college far from home. If you are injured, your agent will have the ability to call the college's health center or the hospital and find out how you are doing. If you do not have an advance directive in place, your loved ones will not have access to this information.

You do not need an attorney to draft an advance directive for you. Vermont has a state form you can fill out yourself, which is available online at the Vermont Ethics Network website ([www.vtethicsnetwork.org](http://www.vtethicsnetwork.org)). You will need to sign the form in front of two independent witnesses (not related by blood or marriage).

## **Power of Attorney**

A durable power of attorney appoints an agent to help you with your finances. Your agent should be someone you trust handling your money and property. The power of attorney is most often used in an emergency situation. For example, if you are in the hospital, your agent can take over everything from paying your bills to checking your mail and will make sure everything continues to run smoothly until you are able to take everything back over yourself. However, the power of attorney can also be helpful in a non-emergency situation. If you are attending college far away from

home, or studying abroad for a semester, your agent can help deposit your checks, file your taxes, or otherwise manage your affairs while you are away.

## **Last Will and Testament**

You can also create a last will and testament, which will direct who you want your money and property to go to should something happen to you. If you die without a will in place, all of your property will go to your spouse and/or children (if you have any), and if you aren't married and don't have children, all of your property will go to your parents. If your parents aren't living, your property will go to your siblings. If you'd prefer your property go to someone other than your immediate family, composing a will might be something to consider. You should seek legal advice if you have questions about wills.





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