



What Teens Should Know About Their Rights!

The United States Constitution protects children, teenagers, and adults by giving them certain rights. A right is something that can not be taken from you. This pamphlet will help you understand what your rights are and will help you to make informed decisions about important issues.

RIGHTS IN COURT & WITH THE POLICE

What are my rights if I am pulled over or questioned by the police?

- You must give the police your correct name and address. You can tell the police that you do not want to speak to them about anything else unless a lawyer is present.

What are my rights if I get arrested?

- You do NOT have to answer any questions that a police officer asks you besides your correct name and address. You have a RIGHT to remain silent.
- If you are arrested, it is your RIGHT to know what you are being arrested for. The police officer should explain this to you.
- If you are arrested, you have a RIGHT to have a lawyer with you in court. If you cannot afford an attorney one will be appointed to you.

Can I get in trouble for something my friend did if I was with them?

- Yes, if you did not separate yourself from the illegal activity when it was happening you can be considered a joint venturer (an accomplice) and charged with that crime.

What are my rights in court?

- If English is not your first language, you have the RIGHT to have an interpreter translate for you in court.
- You have a RIGHT to a lawyer. Your lawyer should represent what you want, not what your parents or anyone else wants.

What happens if I get offered a “plea”?

- You have to make a decision whether or not to accept a “plea.” A plea means that you are giving up important rights. You give up your right to a trial, cross-examine witnesses against you, and to present your side of what happened. If you decide to plea, you are admitting to the crime.

What is probation?

- If the judge orders probation, you are under the supervision of the court. The judge can order you to report to probation, follow a curfew, attend school, work full time, and obey any other court requirements.
- If you are on probation, you will have a probation officer that will check in on you. Probation can do this by contacting your school, coming to your home, or contacting any programs you are involved in.

What happens if I do not follow the rules of my probation?

- You will be given a notice of violation of probation and must appear back in court. The judge will determine if you violated the terms of your probation and could impose a harsher punishment such as commitment to DYS.

**To find out more about your rights call the Children Law Center at 781-581-1977.
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RIGHTS IN SCHOOL

Does a principal have the right to search my possessions?

- Yes, if they have a reasonable suspicion that you have something dangerous or illegal in school, school officials can search your possessions such as your locker or backpack. They may also ask you to empty your pockets. This is why it is very important to make sure you are aware of what you have on you, in your backpack or locker at anytime.

Can I get in trouble for holding my friend's medicine?

- Yes, if you are holding medicine that you do not have a prescription for, the school can claim that you had illegal drugs and could suspend or expel you.

What are my rights in school if I am homeless?

- If you are homeless, you have a RIGHT to attend the school in the town/city where you last lived.
- You do not have to change schools if you become homeless, unless you and your parents decide that you should.
- The school must also provide transportation for you if it is not in walking distance from the place that you are currently staying.

Do I have a right to an education?

- In Massachusetts an education is a privilege and not a right. If you are expelled from school you can lose this privilege and no other school in Massachusetts will have to educate you.
- BUT, as of July 1, 2014, even if you are expelled, your school has to provide you with educational services, such as tutoring, night school, online classes, or an alternative school program.

Under what conditions can I be expelled from school?

- The law allows your principal to expel you if you are found with a dangerous weapon, illegal drugs, alcohol, or a controlled medication (without a prescription). You can also be expelled for assaulting any school employee or committing a felony, on or off school grounds. However, you have a right to a hearing before you are expelled.
- Look at your student handbook to see what other offenses would lead to a suspension or expulsion in your school.

Can I be expelled for something that did not happen at school?

- Yes. You can be expelled or suspended for a felony even if the incident happened off of school grounds.

What are my rights at an expulsion hearing?

- You have a RIGHT to know why the school wants to expel you. The principal must give you a written note outlining the reasons why they are considering expelling you. If you do not receive one, you should request it in writing.
- You have a RIGHT to a hearing before the school can expel you.
- You can bring a lawyer/advocate to the hearing. If you are facing expulsion and need a lawyer you should call the Children's Law Center.
- You have a RIGHT to present evidence to prove your case.
- If you do not agree with the decision the principal makes, you have the right to appeal the decision to the Superintendent within 5 or 10 days of the decision, depending on why you were expelled.

If I am on an IEP or in Special Education classes, can I be suspended or expelled?

- Yes. However, the school can not suspend/expel you if what happened was caused by your disability. If you have an IEP or are in Special Education classes and you are being suspended/expelled from school, you should call the Children's Law Center immediately.
- If you are suspended for a total of 10 school days or more, the school must have a Manifestation Determination hearing to decide if the incidents were caused by your disability.
- If you are suspended or expelled and you have an IEP, you have a RIGHT to still receive some form of an education, such as tutoring.

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CRA (formerly CHINS)

What is a CRA?

- A CRA (Child Requiring Assistance) used to be called CHINS (Child in Need of Services). A CRA is a court case where a juvenile probation officer and the juvenile court help a parent or school supervise a youth between the ages of 6 and 18. There are five different types of CRA cases.

What are the different types of CRA cases?

- Runaway: Anyone under 18 who continually runs away from home
- Stubborn: Anyone under 18 who does not listen to their parent or guardian
- Truant: Anyone under 16 who continually misses school
- Habitual School Offender: Anyone under 16 who continuously breaks the rules in school
- Sexually Exploited Child: Anyone under 18 who has been subjected to sexual exploitation

Who can file a CRA on me?

- Your parent/guardian/custodian can file a runaway or stubborn CRA
- A school staff can file a truant or habitual school offender CRA
- Your parent/guardian or a police officer can file a sexually exploited child CRA

If I have a CRA, can the judge place me in DCF custody?

- Yes, the judge can decide whether to place you with your family, a relative, or in DCF custody.

How do I get rid of a CRA?

- The CRA must be dismissed after about a year, but your parent or the school can re-file. If it is a school-filed CRA, it will be dismissed forever when you turn 16. If it is a parent-filed CRA, it will be dismissed forever when you turn 18. The judge can also decide to dismiss it at your review hearings if you have stopped the behavior that caused a CRA to be filed.

How often will my CRA be reviewed?

- Every three or four months depending on what stage in the process you are in.

JUVENILE AND SCHOOL RECORDS

When can I ask for a copy of my student record?

- You can request your school record when you turn 14 years old. If you are not yet 14, your parent or guardian can request your record. You should request it in writing to the school. They have 10 days to provide the record to you.

What if there is something on my school record that is wrong or that I do not agree with?

- You have a right to add things to your record or ask for a part of it to be changed. For more information contact the Children's Law Center.

Who has a Juvenile Record?

- Anyone between the ages of 7 and 18 who has been accused of committing a crime, has appeared in court, and has been formally charged with a crime. Before November 2013, 17 year olds charged with crimes got adult not juvenile records.

Who can access my Juvenile Record?

- The police, law enforcement agencies, social service agencies, probation departments and the courts.

When I turn 18 is my record erased?

- No. Your record is not automatically "sealed" or "expunged" when you reach the age of 18. Massachusetts does not allow any records to be destroyed. The only option you have is to seal your record three years after you are finished serving your sentence. To find out more about sealing your juvenile record, contact the Children's Law Center.

If I get in trouble again after I turn 18, can the judge look at my juvenile record?

- Yes. The judge in adult court can consider your juvenile record when deciding on your bail or the length of your sentence.

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BULLYING

What is the law on bullying?

- The law prohibits bullying and cyber-bullying in schools.
- It requires teachers to be trained every year on bullying. Teachers must also inform parents of all of the students involved in a bullying incident.
- All school employees are required to report suspected bullying. All reports are then investigated by the principal.

What is “bullying”?

- Bullying is the repeated use of written, spoken, or physical acts or gestures directed at a victim that:
 - Causes physical or emotional harm or damage to the victims property;
 - Makes the victim fearful of harm to him/herself or of damage to her/his property;
 - Creates a hostile environment for the victim;
 - Infringes on rights of the victim at school; or
 - Disrupts the educational process or the orderly operation of the school

What is “cyber-bullying”?

- Cyber-bullying is bullying through the use of technology or any electronic communication. This includes:
 - Creating a webpage or blog where the person who creates it pretends to be someone else;
 - Pretending to be another person while posting a message.

What can I do if I am being bullied in school?

- You can report the bullying to a school employee or the principal. You should keep a record of what happened and on what date. If you are being cyber-bullied, you should print out any evidence that you have.
- You can go to your local juvenile court and request the court make an harassment order against whoever is bullying you. In order to do so, there must have been 3 or more incidents of harassment (like bullying).
- You can also ask the juvenile court for other help depending on how severe the harassment is. If there was physical abuse, threats, or stolen property you may be able to ask for the court to file criminal charges against the person who is harassing you.

Can I get in trouble if I decide to retaliate against the bully?

- Maybe. It is important to not retaliate against the bully, instead you should follow the above steps. If you decide to retaliate, you could get in trouble in school and may have to go to court.

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