



— 2nd Edition —

Beyond High School:

A Guide to Your Rights and Responsibilities



PUBLISHED BY
THE NEW HAMPSHIRE BAR ASSOCIATION
Law Related Education Program

Attorney Jennifer A. Eber

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2 Pillsbury Street, Suite 300
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603.224-6942
nhbar.org

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Back cover art credit: Ian Von Miller

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Acknowledgments

Beyond High School was published from 1996 to 2000 as a booklet distributed to graduating high school seniors across New Hampshire. From 2001 through 2017, the *Beyond High School* information was available on the Law Related Education pages of the NH Bar Association website. In 2018, the NH Bar Association republished the information as a book. Attorney Laura Hartz, Attorney Robert Ducharme and teachers, Dan Marcus, John Stark Regional High School and Dennis Perreault, Campbell High School, as well as Beverly Rorick assisted with reviewing and editing the 2018 edition. Books were then gifted to High School seniors around the state before graduation.

In 2019, the book has been up-dated and sections added by Attorney Jennifer A. Eber. Attorney David W. McGrath, NHBA President, and Attorney Richard Guerriero, NHBA Governor at Large, with guidance from George R. Moore, Esq., NHBA Executive Director, made edits to content. Beverly Rorick and Barbara Giroux assisted with reviewing and editing.

Artwork from New Hampshire students has been incorporated in several pages of the book. Thank you to the students at Concord High School for providing additional new artwork for the 2019 Second Edition. Thank you to Jeffrey Fullam, art teacher at Concord High School and the following students for submitting artwork: Christian Garland, Bri Chartier, Edith Amegnra, Kat Paris, Triana DeGeorge, Rebekah Johnson, Rachel Benson, Albert Labrie, Gabrielle Czerula and Keela Chen.

Several pieces of artwork submitted for the 2018 edition of the book by Manchester Memorial High School and St. Thomas Aquinas High School remain in the 2019 edition. Jane Grant Tentas, art teacher at Manchester Memorial High School and the following students' 2018 artwork: Ava Austin, Matthew Cortes and Nikolaos Dafopoulos. Paula Maskwa, art teacher at St. Thomas Aquinas High School and the following students' 2018 artwork: Ashley Riley, Emma Gould, Lok Yin Li, Thao Nguyen Vu, Ana Paula Terrazas, Maddee Gailing, Sarah Lindsay, Maya Twombly, Amya Bruton, Jeannie Metcalf, Aidan

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A special thank you to Ian Von Miller and his art teacher, Ms. Peggy Houseworth, whose art work is republished again for the 2019 edition. Mr. Von Miller's artwork was originally published on the cover of the 1998 and 1999 editions of the *Beyond High School: Your Rights and Responsibilities* booklet when he was a student at Plymouth Regional High School.

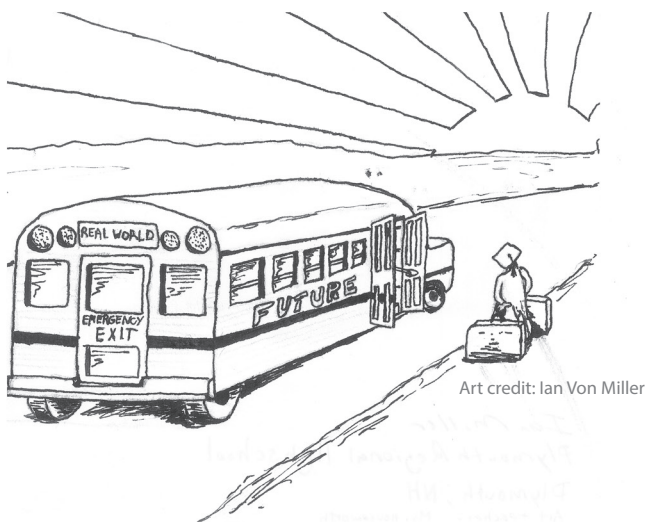
The printing of the *Beyond High School: Your Rights and Responsibilities* book is supported by the New Hampshire Bar Foundation's *Advancement of Justice Restricted Fund & Frederic K. Upton Fund*.

A note from the author:

I want to thank my family for their love and support.

Finally, I want to thank Orr & Reno, P.A., whose values of community service have been stressed since the days of Attorney Dudley Orr and Attorney Robert Reno. As Anna Quindlen wrote in *A Short Guide to a Happy Life*, "All of us want to do well. But if we do not do good, too, then doing well will never be enough."

~ Attorney Jennifer A. Eber



Welcome to Adulthood

This guide will give you basic information on your legal rights and responsibilities when you reach the age of 18 and are considered an adult. When you become 18, you have many new rights, such as:

- voting in local and national elections;
- holding a public office;
- getting married without your parents' permission;
- renting an apartment in your own name;
- applying for credit in your own name, and
- buying a car.

In addition to rights, you also have responsibilities. When you become 18, you are:

- required to register for the draft if you are a male;
- responsible for paying back all money you borrow;
- not protected by juvenile laws for any crime;
- eligible for jury duty, and
- bound by any contracts you sign.

This guide will give you answers to some questions you may have as you start out as an adult. For instance, what should you do if you have a car accident? How do you buy a new or used car?

What are your legal obligations if you rent an apartment? What are your legal obligations if you get married or have children?

Please remember that this guide provides a brief overview and information on how to obtain more detailed answers. You should always consult a lawyer if you are facing legal issues. This guide outlines many of your legal rights, but always remember that often your greatest asset is practical common sense.

PLEASE NOTE: this guide is based on New Hampshire law in effect at or near the time of publication. It is issued as a public service to provide general information only. It is not a substitute for specific legal advice. If you need legal advice, consult the section on finding an attorney and check out the resources at the end of the book.

Rights and Responsibilities of Citizenship

Qualifying as a Voter



Art credit: Ashley Riley

In New Hampshire, when you turn 18, you have the right to vote in elections, unless you are currently incarcerated for a felony. In some states, like Maine and Vermont, people who are convicted of felonies do not lose their right to vote. Even if you have the right to vote, however, you must take additional steps to exercise this right.

Domicile (where you live)

To vote in New Hampshire, you must be domiciled here. Your domicile is where you live, and intend to live, and whenever you are temporarily absent, you have the intention of returning there. For example, if you leave the State for an extended vacation, or because you are in one of the armed forces, or away at college, you may retain your domicile in New Hampshire and vote in New Hampshire. A person present in New Hampshire for temporary purposes does not gain a domicile for voting purposes. But one can create a new domicile via residency at a college or university, by renting a place for more than 30 days, or by obtaining a state driver's license, for example. If you are still domiciled in New Hampshire but out of state for some temporary purpose, you may still vote in New Hampshire by absentee ballot. If you register to vote in another state, you risk losing your status of being domiciled in New Hampshire. You can have only one domicile. You may vote in the municipality, ward, or unincorporated place where you are domiciled.

A law which takes effect in July 2019, currently being challenged in court, would make you a resident of New Hampshire after registering to vote, and possibly becoming responsible for obtaining a New Hampshire driver's license and registering any motor vehicles that you own.

Registration

You may register to vote in the town or city in which you are domiciled (live). This may be done at the city or town clerk's office prior to Election Day, or at the polls on Election Day. Any person who is waiting to register to vote at the polling place on Election Day at the time scheduled for the closing of the polls, shall be allowed to vote if determined to be qualified to register.

To register, you must complete a voter registration card and provide evidence to prove that you meet the requirements to vote. Under a new law currently under challenge, a person registering to vote 30 or fewer days before an election would be required to provide the date he or she established a voting domicile in New Hampshire, and would have to complete a registration form to identify and provide evidence of actions taken to establish a domicile. If he/she has no documentation, proof of residence would have to be presented by mail or otherwise to the town or city clerk's office within 10 or 30 days after the election, depending on the town.

Thus, to register to vote, you should have proof of citizenship and proof of your domicile or be able to provide such proof within 10 or 30 days after the election. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation that indicates the applicant is a United States citizen. To prove domicile, you should bring a document such as a lease, utility bill, driver's license, a motor vehicle registration or another common-sense piece of evidence that proves you live where you say you do. Once you are registered, you should bring identification with you to the polls each time you go to vote.

When you register to vote, you will have the opportunity to enroll in a political party, if you choose. Under New Hampshire law, you

must be enrolled in a party to vote in that party's primary election. For example, if you register as a Republican, you may vote in the Republican primary, but not in the Democratic primary elections.

You may vote, however, for any candidate from any party in a general election, regardless of your party affiliation. If you enroll with a party, you can always change your political party at a later date. If you do not enroll in a political party, you will be designated as an undeclared voter. If you are an undeclared voter, you may change to either party on the primary election day and then vote in any party's primary election, if the party rules permit. The town or city clerk can provide information on changing parties and on time-restrictions that apply. If you will be away from your domicile on election day, then you should contact your town or city clerk well in advance of the elections to obtain an absentee ballot.

You should bring some identification to the polls with you when you go to vote.

Holding Public Office

While you are registering to vote, think about becoming involved with your community and/or State government by running for a public office. For many local positions, such as State Representative or Selectman, the qualifications are the same as for voting—you must be 18 years old, a citizen of the United States, and be domiciled in the district or municipality where you are running for office.

Jury Duty

Juries are an important part of our judicial system. Persons accused of crimes that include the possibility of incarceration have a guaranteed right to a trial by a jury of citizens. In civil lawsuits, parties generally may choose to have their cases decided by either a judge or a jury.

To qualify as a juror, you must be: (a) 18 years of age or older; (b) a citizen of the United States; (c) a resident in the county of jury service; (d) able to read, speak, and understand English; (e) not subject to a

physical or mental disability which would bar effective jury service; and (f) without the conviction of a felony unless it has been, or is eligible for, an annulment. All people that meet the qualifications are subject to being called for jury duty.

Juries are picked from names randomly selected from the Department of Safety's drivers' license list, and from a list of registered voters.

Jurors receive nominal pay for their service, currently \$10.00 for each half-day of attendance and \$20.00 for a full day of attendance, and reimbursement for mileage to and from the courthouse. Your employer is not required to pay you while you are on jury duty, although some employers do, and others allow you to use vacation time to minimize any loss of pay. Your employer cannot fire you, or otherwise discriminate against you because of your jury duty.

Being called to serve on a jury does not mean that you will sit in on a trial as a juror. More people are called than are needed because some individuals may be discharged or excused by the court. If you are called for jury duty, then you must go unless you are excused for some valid reason that is accepted by the court. If the month that you have been summoned for is particularly inconvenient for you, such as you are an out-of-state college student, then you can request to have your service deferred to another month. If you are called for jury duty and do not appear, then you may be charged with contempt of court. Your jury service will not last longer than 30 days, unless a grand jury or trial is in progress, in which case you will be required to serve until the process is completed. If you serve on a jury, then your name should not be drawn again for at least three years. If you are asked to serve within the next three years or are actively serving in the military, then you can be excused.

Involvement in a Lawsuit

You may become involved in a lawsuit by either filing a civil lawsuit, in which you are the plaintiff, or by being sued, in which case you are the defendant. You may also become involved in a lawsuit if you are a witness or otherwise have knowledge relevant to a civil or criminal



Art credit: Christian Garland

case. If you have any information about a crime and it involves you, then you should consider speaking to an attorney first and may have a right to do so. If you speak to the police, you should be truthful. If you have information about either a criminal or civil matter, then you could be called as a witness at trial or asked to give information prior to the trial. Through the subpoena power granted by the court, attorneys can force an unwilling witness to provide information and/or documents.

Different courts in New Hampshire handle various kinds of cases and, whether you are defendant, plaintiff, or witness, you should know the functions of the different courts. For additional information, visit the state court's website at www.state.nh.us/courts/home.htm.

- **Circuit Court:** There is at least one circuit court located in each of the 10 counties (Belknap, Carroll, Coos, Cheshire, Grafton, Hillsborough, Merrimack, Rockingham, Strafford and Sullivan) and some of the bigger counties have more than one circuit

court. There are 3 divisions within the Circuit Court: (1) the District Division; (2) the Probate Division; and (3) the Family Division.

(1) District Division: The District Division handles misdemeanor and violation level offenses (including motor vehicle matters), small claims, landlord-tenant cases, stalking cases, and other civil cases. There are 32 Circuit Court District Division locations around the state.

(2) Probate Division: The Probate Division has jurisdiction over a variety of issues, including all matters related to wills, trusts and estates, guardianships and involuntary commitment proceedings, adoptions, name changes, and partitions of real estate.

(3) Family Division: The Family Division has jurisdiction over cases involving divorce/parenting, child support, domestic violence petitions, guardianship of minors, termination of parental rights, abuse/neglect cases, children in need of services, juvenile delinquency, and some adoptions.

- **Superior Court:** Each county has at least one Superior Court, with two in Hillsborough County. Superior Court is the only state court of general jurisdiction, meaning it has jurisdiction over all matters that are not exclusively assigned to other courts. For example, adoptions are exclusively assigned to the Probate Court and cannot be brought in Superior Court. Superior Court has concurrent jurisdiction in some matters with other courts. For example, a Circuit Court, District Division, or a Superior Court may hear minor crimes. Superior Courts have jurisdiction over both criminal and civil matters. Juries are available in Superior Court and there is no limitation on the amount of damages that a Superior Court jury can award.
- **New Hampshire Supreme Court:** The New Hampshire Supreme Court supervises the State court system, handles admissions to the Bar Association, the discipline of attorneys, and hears appeals from the lower courts and administrative agencies that violate state laws (as opposed to federal laws). The New Hampshire Supreme Court is in Concord, NH.
- **United States District Court for the District of New Hampshire:** This federal court hears only cases in which there is an alleged violation of federal law, or in which the plaintiff and defendant

are from different states and the claimed damages are \$75,000 or greater. For additional information, visit the court's website at www.nhd.uscourts.gov

- ***United States Bankruptcy Court for the District of New Hampshire:*** This federal court hears only bankruptcy cases. Individuals and businesses in New Hampshire may file under one of the four chapters of the Federal Bankruptcy Code. These include: (a) Chapter 7, Liquidation; (b) Chapter 13, Repayment of all or part of the debts of an individual with regular income; (c) Chapter 11, Reorganization; and (d) Chapter 12, Adjustment of debts of a family farmer with regular income. For additional information, visit the court's website at www.nhb.uscourts.gov/.

Ownership of Guns

Under both the United States Constitution and the New Hampshire Constitution, you have the right to bear arms, unless you have been convicted of a felony in New Hampshire or any other jurisdiction. This right, however, has limitations. Although you do not need a license or permit to buy a gun, the laws of New Hampshire require that you have a license to sell pistols and revolvers. While you used to need a license to carry a concealed loaded pistol or revolver, a new 2017 law changed this requirement and a license is no longer needed. Be careful; even if you lawfully own a gun and have a license, you cannot carry a loaded or unloaded pistol, revolver, firearm, or any other deadly weapon into certain areas, including a courtroom or area used by a court. You can obtain more information regarding your rights of ownership of guns by contacting the selectmen of your town, the mayor, or the chief of police, who has the right to deny a person the right to carry firearms under certain circumstances. A court may deny a person the right to firearms while that person is charged with a crime.

If you wish to carry arms to hunt, then you must comply with certain laws including obtaining an appropriate hunting license.

Check with the New Hampshire Department of Fish and Game for more details on hunting regulations and licenses. See the contact information at the end of this book.

Protected Speech

The First Amendment to the U.S. Constitution grants you the “freedom of speech” as well as the freedom of religion, press, assembly and petition. Basically, it limits the power of government to intrude on your individual freedoms.

The right to free speech or expression is not absolute. Speech or expression that is not protected includes speech that is obscene, threats, child pornography, libel and slander, violation of copyright or trademarks, or speech intended to incite imminent lawless action. In addition, schools also have the right to limit speech and other forms of expression when it is necessary to avoid substantial interference with school discipline or the rights of others.

The First Amendment does not apply in many private settings, such as at your place of employment. Certain speech, however, may be protected under laws other than the First Amendment. For example, your employer cannot terminate you simply because you report violations of the law in good faith or complain to an employer about unlawful employment practices.

Taxes

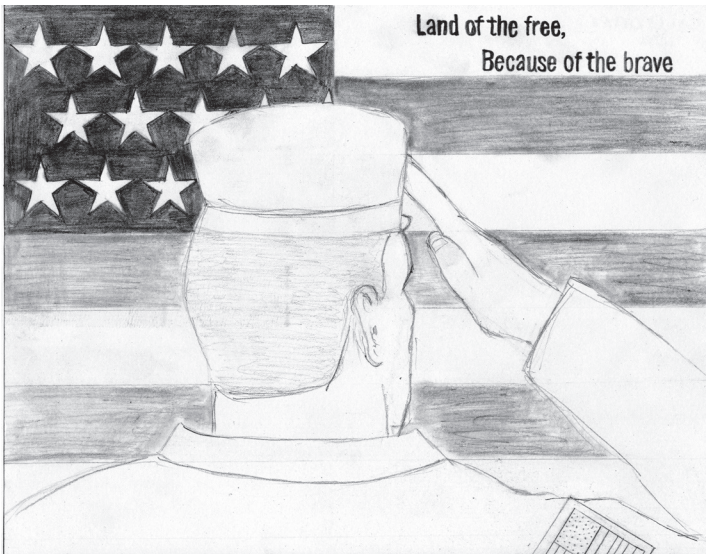
You may have heard the adage that the only two things that are certain in life are death and taxes. The federal, state, and local governments have the right to impose various taxes, including sales tax, property tax, estate and gift tax, and income tax. The city or town where you live imposes a property tax if you own real estate and an excise tax on your motor vehicles. The New Hampshire State government does not tax either the items that you buy or your earned income. New Hampshire does impose a tax on rented housing, interest and dividends above \$2,400 (\$4,800 for joint filers), and business profits and business enterprises. Also, if you are employed in another state, then you must comply with that state's tax laws for the income earned in that state.

The federal government imposes income and social security taxes. While everyone is responsible for paying federal income taxes, children in school usually do not make enough money to have to pay, or in some cases, to file an income tax return. If, however, you start working, then chances are that you will be required to file a federal income tax return. Most employers withhold federal income taxes from your pay. If more taxes are withheld than actually owed, then you will be entitled to a refund when you file your income tax return before the deadline in April. If you paid too little, then you must pay the shortage when you file. If your underpayment is significant, then you may be subject to a fine, in addition to having to pay the shortage.

You can obtain more information on tax returns at your local post office or library. Be sure to mark April 15th on your calendar, as this is usually the date by which tax returns must be filed with both state and federal authorities, although it may be extended by a few days.

Military Service

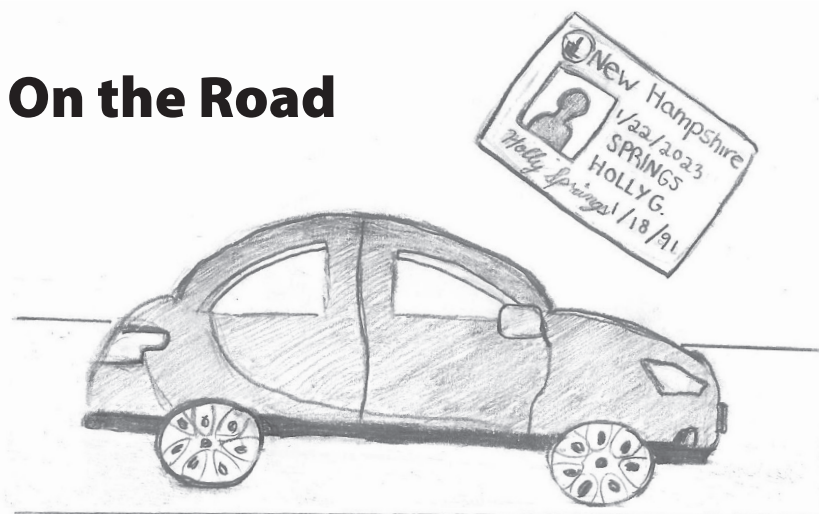
Currently there is no draft in the United States. However, to maintain a listing of eligible young men, with very few exceptions, all males between the ages of 18 and 25 must register with the Selective Service System (SSS) within 30 days of turning 18 and non-citizens must do so within 30 days of arriving in the United States. This includes U.S. born and naturalized citizens, parolees, undocumented immigrants, legal permanent residents, asylum seekers, refugees, dual nationals, certain disabled men, transgender people who are born male, and all males with visas of any kind which have expired more than 30 days after the original expiration date. You may register up to 120 days before your 18th birthday.



Art credit: Bri Chartier

To register, go to your local post office and fill out a registration form. Failure to register is a federal crime, punishable by up to 5 years imprisonment, and/or a fine of up to \$250,000. Registration is also a requirement to qualify for federal student aid, job training benefits, and most federal employment. If a draft occurs, then you will be notified and ordered to appear for a physical examination and processing. With parental consent, young men and women can enlist in the armed forces at age 17.

On the Road



Art credit: Emma Gould

License

The minimum age to obtain a driver's license in New Hampshire is 18. Individuals between the ages of 16 and 18 may obtain a driver's license with permission from their parents or guardians, if they present a certificate documenting that they have successfully completed an approved driver training course.

Automobile Insurance

New Hampshire law generally does not require drivers to have or maintain automobile liability insurance. If, however, you do not have insurance and are in an accident, you may lose your driver's license and registration on any vehicle that you own. You also may be required to post a security bond or prove that you have liability insurance to have your license and/or registration reinstated.

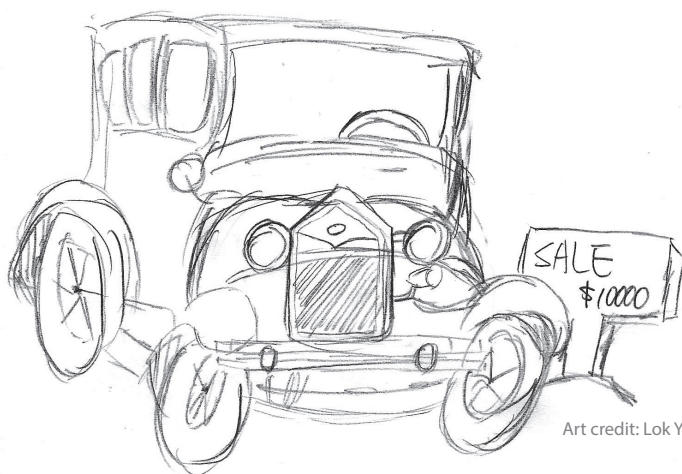
In addition to the inconvenience of losing your driving privileges and having to surrender your license plates to the State, if the accident was your fault it is likely that you will be required to pay for all medical treatment required for the injuries and other pain and suffering caused by the accident, as well as all property damage. If you do not pay, then you may be sued and it is likely that the court will order you to pay. If this happens, you could lose whatever assets you own and you may be required to pay a portion of your income on a continuing basis to satisfy the debt.

In addition, in certain circumstances, such as after conviction for a DWI (driving while intoxicated) or leaving the scene of an accident, you may be required to obtain insurance and file proof of insurance with the Division of Motor Vehicles through an SR-22.

It is strongly recommended that you get automobile insurance before you start driving. This can be quite expensive for young adults, but it will be cheaper in the long run if you have an accident, even if the accident is not your fault. The cost of insurance should be addressed when purchasing a vehicle, as the cost will vary with the age and type of vehicle you buy. The cost of insurance will vary also based on your driving record and age. Adding to the complexity of buying liability insurance, prices vary significantly from one insurance company to another, so it pays to shop around.

Buying a Car

Under New Hampshire law, there is no general right of cancellation (commonly known as a “cooling off period”) associated with the purchase of a car. In addition, there is no general right to a refund of a deposit paid for the purchase of a new or used car.



Art credit: Lok Yin Li

You should review the purchase agreement carefully to determine if the deposit is refundable. If you think that you may want your deposit refunded, and the agreement does not expressly state that the deposit is refundable, you should ask the seller to add a written provision to the agreement giving you a refund if you decide not to purchase the car. Remember that it is far easier to enforce a written provision of an agreement than to enforce an oral promise made by a salesperson and such oral promises are often not enforceable at all. As a rule, you should not sign any agreement or other pre-printed form that has any spaces left blank. Most car dealers are reputable, but blank spaces can be filled in after you have signed the form or agreement, and in many cases, there will be no way to tell if the spaces were blank when you signed the document. It may be helpful to put a line through each blank space and initial each such space.

Repair Work

A new car has certain warranties that come with the car. A warranty is a promise that the car will meet certain standards, and, if it does not, the dealer, manufacturer or distributor will fix it at their expense. For further information on warranties, see the section "As a Consumer."

If you need to have repairs done to your car that are not covered by a warranty, then be sure to tell the repair shop exactly what you want done and get a written estimate. You have the following rights regarding work on your vehicle, although these rights do not apply to work on a motorcycle:

- You have the right to request a written estimate and to give written or oral approval before work begins.
- Your permission is required for any work whether on a written estimate or not.
- You must consent to any work that amounts to more than 10% of the original estimate or additional work.
- You have the right to request the return of all replaced parts before work begins on your car, unless the parts must be returned to a manufacturer or distributor under a warranty or exchange agreement.

- You have the right to receive an invoice.
- You have the right to refuse to pay for any unauthorized work.
- You should file any complaints about a repair shop's failure to comply with the Motor Vehicle Repair Law's requirements with the Attorney General's Office, New Hampshire Department of Justice.

Mechanic's Liens (or "When can the mechanic keep my car?")

Until you pay the bill for the work done on your car, the repair shop has a lien on your vehicle. This means that the repair shop is legally entitled to keep your vehicle until the bill is paid or a court orders the shop to return your car. If you pay the bill to get your car back, you do not give up your right to challenge the bill. You still may bring a private lawsuit or file a complaint with the Attorney General's Office, New Hampshire Department of Justice. If you do pay the bill to get your car back, do so by check and note on the check, "Paid Under Protest." You should be aware that if the bill remains outstanding for more than 60 days, then the repair facility could sell your vehicle to satisfy the lien. If your vehicle is sold to satisfy the lien, then you will receive any balance of funds after the bill has been paid.

The Consumer Protection and Antitrust Bureau of the Attorney General's Office, New Hampshire Department of Justice, will mediate individual complaints regarding ineffective automobile repairs, but the Bureau cannot represent you. If you think that the repair shop has violated the law, contact an attorney, or the Attorney General's Office, New Hampshire Department of Justice.

Automobile Registration and Titles

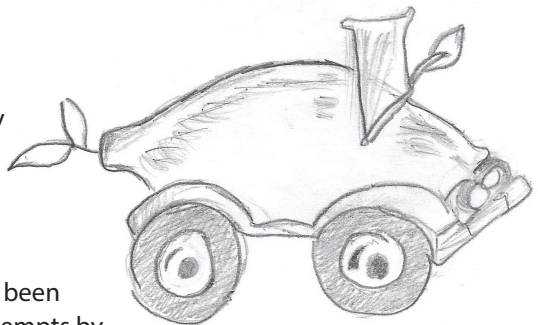
All motor vehicles operated on public roads must be registered and inspected on a yearly basis. To register a newly acquired vehicle, you must pay a fee to your city or town, and to the New Hampshire Division of Motor Vehicles. You must renew your registration and have your vehicle inspected each year in the month of your birthday. The fee paid to the town or city is based on the price and age of the vehicle, whereas the fee paid to the State is based on the weight of the vehicle.

Registration of a vehicle is a privilege that can be lost if the driver applying for registration is: an habitual offender, convicted of manslaughter or negligent homicide by use of a motor vehicle, or convicted of a second or subsequent offense of driving while under the influence of intoxicating liquor or under the influence of any controlled drug.

Most motor vehicles are required to have a Certificate of Title in New Hampshire, and cannot be registered without one. Some vehicles are exempt, such as vehicles used to transport people or property between states and properly registered in other states. In addition, there is an exemption for any motor vehicle whose manufacturer's model year is older than 2000, except heavy trucks and truck-tractors whose gross vehicle weight exceeds 18,000 pounds. Every time a vehicle is sold for value, the purchaser must apply for a new Certificate of Title at the Division of Motor Vehicles. If you have any questions about certificates of Title, contact the Division of Motor Vehicles.

Lemon Laws

So-called "lemon laws" apply to new cars, motorcycles, snowmobiles, and off-highway recreational vehicles with defects that cannot be fixed, or have not been fixed, despite reasonable attempts by the manufacturer. A defective motorcycle or a vehicle leased for at least two years is covered under the Lemon Law as long as you are the first owner.



Art credit: Thao Nguyen Vu

Under New Hampshire law, a manufacturer or distributor is responsible for replacing a car or refunding the full purchase price to the car owner (minus a reasonable allowance for use prior to the first repair attempt) if all the following are true:

- you find and report a defect within the warranty period;
- the defect substantially impairs the use, value or safety of the car;

- the defect is caused by the manufacturer or its authorized service agent;
- the manufacturer or dealer made a reasonable number of attempts to fix the defect; and
- you have not stopped making payments on the vehicle.

An example of a defect that impairs the use, value, or safety of the car is an inoperative safety belt or a leaking roof. A chip in the paint or a small tear in the upholstery is not a defect covered by this statute.

You may bring a claim either through the manufacturer's internal dispute settlement procedure or New Hampshire's New Motor Vehicle Arbitration Board, (see Resource Guide), within one year from the expiration of the warranty or the final repair attempt. Once you choose either the internal settlement process or the New Hampshire Arbitration Board, you cannot later choose to switch to the other option if you are not happy with the results.

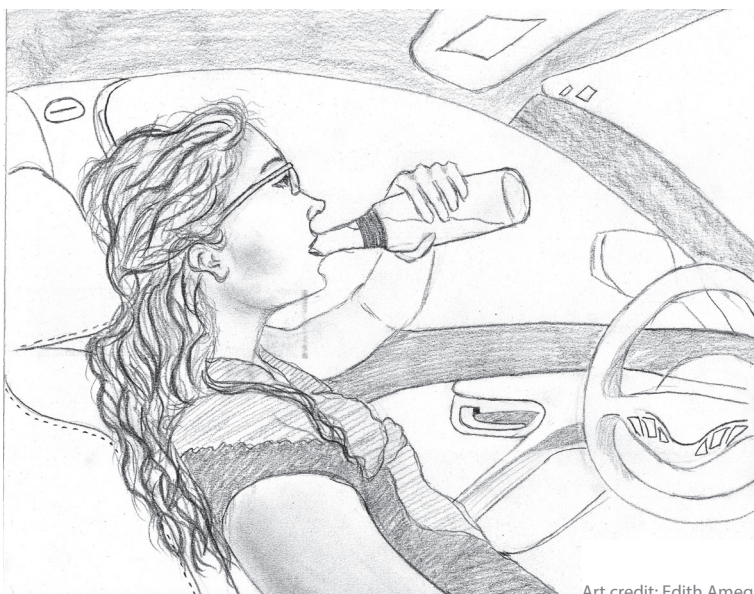
If a dealer sells an unsafe used vehicle or conceals a defect discovered during inspection, then the dealer is guilty of an unfair or deceptive trade practice. See the section on "As a Consumer."

Accidents

Even the best drivers can have automobile accidents. If you are involved in an accident, you must stop your car. Then you should get aid for people who have been injured and call the police.

You should obtain the following information from all drivers involved in the accident, and you must provide the same information to the other drivers: name, address, driver's license number, motor vehicle registration number, name and address of each person involved, and the insurance companies of the other drivers. If you leave the scene of an accident without providing this information and there has been property damage or personal injuries, you will be subject to criminal prosecution.

If you have automobile insurance, you should notify your insurance company as soon as possible after the accident.



Art credit: Edith Amegnra

Driving while Intoxicated

It is unlawful to drive or attempt to drive or operate any type of a motor vehicle while under the influence of intoxicating liquor or a controlled drug, prescription drug, over-the-counter drug, marijuana or marijuana related substances or any other chemical substance which impairs a person's ability to drive (commonly called DWI or DWUI). If you are over 21 and your blood alcohol level (commonly called your BAC) is 0.08 % or higher, you are considered legally intoxicated. DWI laws are an exception to treating you as an adult at 18. Since the sale of alcohol is prohibited to those under age 21, the legal blood alcohol for people less than 21 is 0.02 %. This is a very low level. It is likely that an amount less than one beer might raise your blood alcohol level to 0.02%.

An Aggravated DWI offense, for which the penalties are much higher than for a simple DWI offense, has multiple definitions:

- driving under the influence of alcohol or other drug and operating a vehicle at a speed more than 30 miles per hour in excess of the speed limit;

- driving under the influence of alcohol or other drug and causing an accident which results in serious bodily injury, including to the impaired driver;
- driving under the influence of alcohol or other drug and attempting to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps; or
- driving under the influence of alcohol or drugs and having a passenger under the age of 16.
- operating a motor vehicle while having a BAC of 0.16% or more.

If you are convicted of DWI, you will, at a minimum, lose your license, pay a substantial fine, be required to complete a driver education course, and be required to undergo a substance abuse evaluation. If you are convicted of DWI and you are under 21, you will lose your license for a full year. A conviction of Aggravated DWI requires a mandatory jail sentence of at least five days, and possibly much more, in addition to all of the other penalties.

The act of driving on public ways in New Hampshire gives the State your implied consent to perform examinations and physical tests to determine your level of intoxication for the safety of yourself, other drivers, and pedestrians. If you have been arrested for DWI, and if you refuse a valid request that you submit to testing, you will be subject to a penalty. If you have not been arrested for DWI in the past and refuse to submit to any of these tests (urine, blood or breath), then your driving privileges will be suspended for a minimum of 180 days for the first offense, and 2 years for a subsequent refusal. These suspensions are levied by the Department of Safety, Division of Motor Vehicles and are separate from any license suspension imposed by a court, though under certain circumstances the DMV suspension and the court suspension can run at the same time or consecutively. If a person's driving privileges are suspended, the person may, in certain limited cases, receive a permit to drive back and forth to work during set hours.

Point System

New Hampshire, through the Department of Safety, Division of Motor Vehicles, uses a "Uniform Point System" for suspending driving privileges after conviction of various motor vehicle offenses. In case of the conviction of a licensee of 2 or more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value. Each motor vehicle offense conviction is graded by severity from one point to six points.

If you are under age 18, and you receive:

- 6 points in 1 year, your license is suspended for up to 3 months;
- 12 points in 2 years, your license is suspended for up to 6 months;
- 18 points in 3 years, your license is suspended for up to 1 year.

If you are between 18 and 21, and you receive:

- 9 points in one year, your license is suspended for up to 3 months;
- 15 points in 2 years, your license is suspended for up to 6 months;
- 21 points in 3 years, your license is suspended for up to 1 year.

If you are 21 or over, and receive:

- 12 points in one year, your license is suspended for up to 3 months;
- 18 points in 2 years, your license is suspended for up to 6 months;
- 24 points in 3 years, your license is suspended for up to 1 year.

The date of the offense determines the time when the points go into effect. You also receive points for convictions in other states.

If the Department of Safety considers suspending your license, you will be given a hearing before the determination is made. In many cases, if you get points on your license, your automobile insurance rates go up, which will make driving more expensive for you.

If you are between the ages of 16 and 21, you will receive a special youth operator's license. If you are under 18 years old and have

a youth operator's license, you shall not operate a motor vehicle between the hours of 1:00 a.m. and 4:00 a.m. The number of occupants may not exceed the number of safety restraints in the vehicle. During the first 6 months after issuance of the license, the holder of a youth license under age 18 shall not drive with more than one passenger under age 25 who is not a member of the driver's family unless accompanied by a licensed responsible adult who is at least 25 years old. The first violation of these requirements will subject the youth operator to a fine not to exceed \$100 and a license suspension not to exceed 30 days. Subsequent violations shall subject the violator to a fine of not more than \$200 and a license suspension of not more than 90 days.

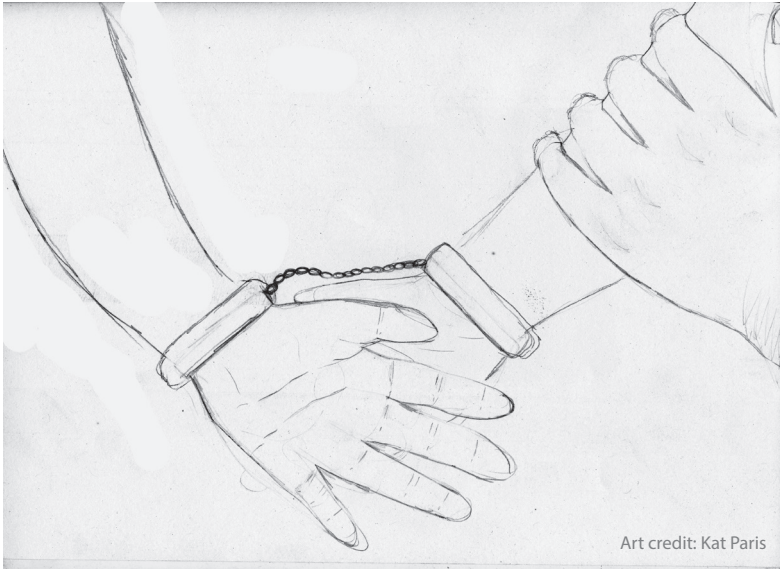
If You Are Arrested

Your Rights

If you are in public, the police have the right to approach you and ask you questions, the same as any other citizen could. Unless you are driving or you are engaged in some other activity which is subject to lawful restrictions, you have no obligation to speak to the police. If the police have a reasonable suspicion that you are connected to criminal activity, they have the right to detain you and ask you questions. If they reasonably believe you have a weapon, they have a right to pat you down. You may choose to answer questions the police ask but you are not required to do so.

Arrest

An "arrest" occurs when the officer takes you into custody or otherwise deprives you of your freedom. Remember that resisting arrest is a crime and that the officer may use reasonable force to make the arrest and to keep you from escaping. It is your duty to submit to arrest and to refrain from using force or any weapon in resisting it, regardless of whether or not there is a legal basis for



the arrest. Therefore, you should not resist arrest nor should you interfere with the arrest of another person. You will help yourself more by remembering all details of the arrest, including the officer's statements, the sequence of events, and by informing your attorney of these details.

An arrest with a warrant is the preferred means of making an arrest. A warrant is an order issued by a judge, magistrate or justice of the peace, directing the police to arrest a certain individual. The arrest may be made in any place at any time with a warrant. An officer shall have, in any county, the same powers in relation to the process as an officer of that county. A warrant is based upon the sworn testimony that establishes "probable cause," or belief that the individual to be arrested has committed the crime charged in the warrant.

Law enforcement officials may sometimes make an arrest without a warrant. Generally, a police officer may make an arrest for a misdemeanor committed in the officer's presence and for a felony which the officer has "reasonable grounds" to believe was committed by the person arrested. If the officer has reason to believe the crime was committed within the last 12 hours, the officer may arrest. However, in certain situations, the officer may make a misdemeanor

arrest without witnessing the crime. Some examples are: domestic violence, driving while intoxicated (DWI), accidents or situations where the police officer has probable cause to believe the suspect will flee, will conceal or destroy evidence, or will continue the criminal conduct.

Your rights and responsibilities at the time of the arrest do not depend on the existence of a warrant, and, it is most important that you submit to the arrest peacefully and remember everything that happens. Once you are under arrest or in the presence of the police and not free to leave, the police must tell you about your Miranda rights before they can question you. These rights are:

- the right to remain silent;
- the warning that anything you say will be used against you in court;
- the right to have an attorney; and
- the right to have an attorney present before any questioning.

You are not required to make statements to the police or answer questions. You have the right to remain silent and the right to ask for an attorney. Law enforcement officials are aware of these rights and will understand if you decline to talk. If arrested, in most cases, you will be entitled to be released on bail pending judicial proceedings. The amount and nature of the bail will depend upon the seriousness of the charge, your background and your ties to the community.

The Need for a Search Warrant

Normally, a judge issues a search warrant to permit police officers to search a particular place or person for certain items. Like an arrest warrant, a search warrant is based on sworn testimony, which established probable cause for the search and seizure of the items.

In the following cases, a police officer does not need a search warrant:

- When you are lawfully arrested, the police officer may search you and the area immediately surrounding you. Again, you may not interfere with this search. The U.S. Supreme Court has stated that

the right to search you and the area surrounding you does not apply when you are issued a traffic citation.

- A police officer may search you or your property without a warrant if you consent. You have the right to refuse to consent, but the officer is not obligated to inform you of this right.
- A police officer may sometimes search without a warrant when there is insufficient time to get a judge's approval because of emergency circumstances or because evidence may be removed or destroyed. The existence of these circumstances requires "a compelling need for immediate official action and a risk that the delay inherent in obtaining a warrant will present a substantial threat of imminent danger to life or public safety."

If the police do not have a warrant, you are under no obligation to consent to a search. However, once the search has begun, you should not interfere with the search.

Whether the search is legal is for a court to determine at a later date. The determination is not made by the suspect. Ask the police officer to note that you do not consent. If a search is performed, with or without your consent, remember the details and relate them to your attorney.

Types of Crimes

Crimes are divided into two major categories: felonies and misdemeanors. Felonies have penalties, which may include a prison sentence of more than one year, up to a death sentence, and/or fines up to \$4,000.00, unless a defendant has obtained property through the commission of the felony in which case the amount may not exceed double the amount of the gain. Violations of the Controlled Drug Act may bring a state prison sentence of not more than 30 years for the first offense and up to life for one or more prior offenses, and/or a fine up to \$500,000.00.

There are two classes of misdemeanors. Lesser misdemeanors (categorized as Class B) are punishable by a fine up to \$1,200 and community service. Class B misdemeanors carry no jail time. The

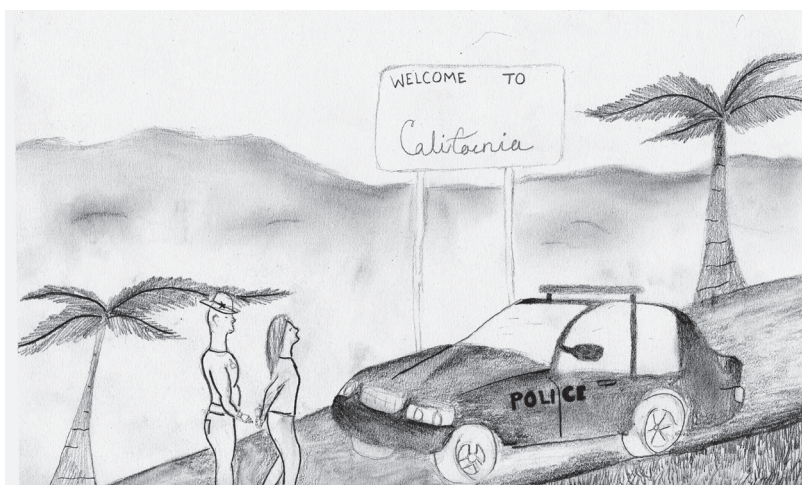
more serious misdemeanors are categorized as Class A and carry a possible jail sentence of up to one year, and/or a fine of up to \$2,000, community service and probation.

Offenses against city ordinances and most less serious motor vehicle offenses are categorized as violations, which are not crimes. Violations are punishable by a fine up to \$1,000.00, the suspension or revocation of your license and community service. Violations, although they are not crimes, may lead to serious problems.

Drug Related Crimes

Drug possession can carry a significant prison term and fines. Any drug possession other than marijuana is classified as a felony offense. The most common controlled substances charged are cocaine, heroin, meth, and psychedelics like ecstasy (MDMA, Molly).

Possessing illegal drugs, distributing illegal drugs or possessing illegal drugs with the intent to distribute, are all serious crimes in New Hampshire. Depending on the seriousness of the drug charge and your prior record, a misdemeanor or felony drug conviction could result in a sentence of imprisonment, including imprisonment up to life for the most serious offenses.



Art credit: Triana DeGeorge

Marijuana is classified and punished differently than other drugs under New Hampshire law. Recently, laws were passed regarding personal possession of marijuana. Under these laws, a person who is 18 years of age or older who is convicted of possessing up to three-quarters of an ounce of marijuana or five grams of hashish would be guilty only of a violation punishable by a fine of \$100.00 for the first or second offense, or up to \$300.00 for a subsequent offense within a three-year period. A fourth offense would result in a Class B misdemeanor charge. A person younger than 18 who is convicted of less than the threshold amounts of marijuana or hashish would be subject to a delinquency petition.

New Hampshire has passed a law to allow for medical marijuana and has established a registry identification card system. The law allows for up to four non-profit "alternative treatment centers" in the state and established an affirmative defense for qualified patients and appointed caregivers with a valid registry ID card.

New Hampshire also has a Good Samaritan law that grants certain immunity to people who report drug overdoses. The law states that anyone who requests medical attention for someone who is overdosing cannot be charged for possessing a controlled drug at the scene.

In addition, New Hampshire has felony drug court programs for adult offenders in Cheshire, Grafton, Rockingham, Hillsborough South, Belknap and Strafford Counties. A defendant who enters those drug court programs must reside in the County where drug court is offered, in addition to having committed the crime in that county. These treatment courts are created to promote successful treatment programs, rather than jail time.

Criminal Procedure

Criminal matters are begun in New Hampshire by either a complaint or an indictment. The complaint must be filed by a police officer or by the prosecutor. An indictment is an accusation brought by a grand jury in felony cases and is heard in Superior Court. No person shall

be tried for any offense, punishable by more than one year in prison, unless an indictment has been made.

The first step in being charged with a crime is the arraignment. At the arraignment, you appear in court and are formally charged with a crime. You must enter a plea of guilty, not guilty, or *nolo contendere* (no contest).

If you plead not guilty, a trial will be scheduled where the prosecution must establish your guilt beyond a reasonable doubt. You should understand, fully, the charges and your rights before entering a plea. Do not hesitate to ask the judge to explain the proceedings. It is highly advisable that you consult with an attorney before being arraigned. If the charge is a class A misdemeanor or a felony and you cannot afford an attorney, you have the right to an attorney appointed by the court to help you.

In most cases, you will be entitled to be released on bail after arrest. In less serious cases, it is very common to have personal recognizance bail set by a bail commissioner at the police station. At the bail hearing, the judge sets bail for the actual or potential payment of money to the court to guarantee your appearance at all hearings and the trial. The judge also may impose other conditions on your bail, such as restrictions on travel. If you abide by all the terms of the Bail Order, then at the conclusion of the case, the bail will be returned to whoever posted the bail. If you do not abide by the terms, it is possible that the bail will be forfeited to the State.

Between the bail hearing and the trial, you and your attorney should gather the evidence to present in court. The trial is the process of presenting the evidence to the judge, or to the judge and jury, who will weigh the evidence, determine the facts of your case, apply the law to the facts, and determine whether the burden of proof, by legal standards, has been met. If you are found guilty, the judge will sentence you, which may include a fine, imprisonment, community service, and/or restitution to the victim. If found guilty, you have the right to appeal to Superior Court (if the trial was a Class A misdemeanor in District Court) or to the New Hampshire Supreme Court in all other cases.



Art credit: Rebekah Johnson

How to Find a Lawyer

If you are charged with an offense that could result in a jail sentence, and if you are not sure that you can afford an attorney, you may apply for court-appointed counsel at the arraignment.

If you cannot afford an attorney for a civil (non-criminal) matter, contact New Hampshire Legal Assistance, or the Legal Advice & Referral Center. The Lawyer Referral Service of the New Hampshire Bar Association also can help you find an attorney for a civil or criminal matter. In the back of the book you can find more information on these resources.

You can find an attorney by searching the internet or by asking friends, family, or co-workers for a recommendation. Many attorneys offer a free initial consultation. Remember that if you meet with an attorney and you decide not to hire him or her, you can always call another attorney. In general, the attorney may not disclose any information without your permission, even if you decide not to hire him or her.

As a Consumer

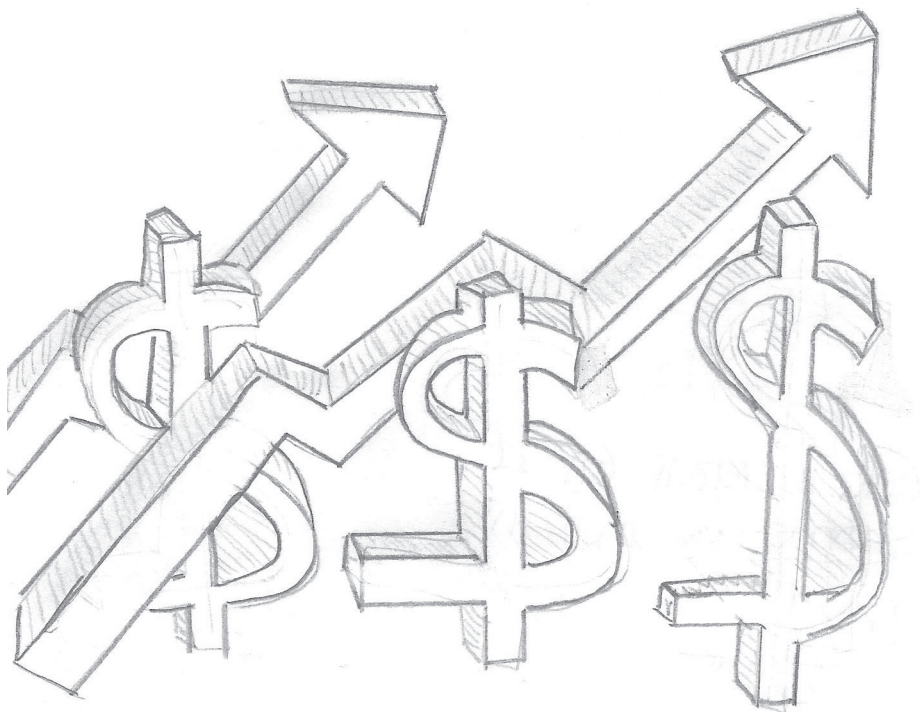
Consumer Protection

Both state and federal laws prohibit the use of unfair or deceptive acts, practices or unfair methods of competition in trade or commerce in New Hampshire. New Hampshire law specifically identifies a number of practices as unfair or deceptive, which include but are not limited to:

- representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;
- disparaging the goods, services, or business of another by false or misleading representation of fact;
- advertising goods or services with intent not to sell them as advertised;
- making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions; and
- pricing of goods or services in a manner that tends to create or maintain a monopoly, or otherwise harm competition. These are just a few of the practices that are considered deceptive or unfair under the law.

If you think an unfair or deceptive act or an unfair method of competition has victimized you, you should address your complaint to the seller, individual or business that sold you the item or service. You should speak with the manager, president, or owner of the business. Often this will get the results you want. If you are unable

to obtain a reasonable resolution, you may sue the business directly, file a written complaint with the Consumer Protection and Antitrust Bureau of the Attorney General's Office, New Hampshire Department of Justice, or both. The Bureau will evaluate your complaint and advise you of what action, if any, it will take. You also may want to report the incident to the Better Business Bureau.



Art credit: Ana Paula Terrazas

Contracts

A contract is any agreement between two or more people or entities, such as businesses or corporations. A person must be the age of majority, 18, to be considered competent and thus if you are younger than the age of majority and enter into a contract, a court may refuse to enforce it. For protection, many businesses will require an adult to “co-sign” a contract if you are under 18 years old. Some types of contracts that you may see, if you have not already seen them, include: employment contracts, cell phone agreements, sales contracts for a car, loan contracts from a bank or credit union, apartment or house lease agreements, student loan agreements, credit card agreements, and medical care contracts.

Some contracts are not in writing but can still be valid and enforceable. Other contracts must be in writing to be valid, such as a contract to buy real estate, a contract to purchase goods for more than \$500.00, and any lease in which the lease term is more

than one year. Below are some general rules to follow before signing a written contract:

- Read the entire contract before signing it.
- Do not sign any contract until you are certain that you understand all terms of the contract.
- Ask questions about anything in the contract that you do not understand or that seems unreasonable.
- Cross out those sections of the contract with which you cannot agree. If you do this, draw a single line through the section, initial it and date it. Then have the other party review the contract and initial the change.
- Write in any parts of your agreement that are not in the written contract, initial, and date the additions. Have the other party do the same.
- Do not sign a contract that contains blank spaces. Either fill in the blanks with the appropriate data, or if the blank does not apply, write in "not applicable," N/A, or draw a line through the blank space.
- Do not be afraid to try to negotiate changes to provisions in



Art credit: Maddee Gailing

the contract that seem unreasonable. If the other party refuses to make any changes, and you still feel that the contract is unreasonable, DO NOT SIGN IT.

- If you have doubts, do not sign the contract until you have an attorney review it and advise you. It costs far less to have an attorney look at the contract before it is signed than to have an attorney defend a breach of the contract in court.
- Make sure you get a complete, accurate, legible, and signed copy of the contract for your records.

Although in some consumer credit transactions there is a right to rescind or cancel the contract for up to three days after it has been signed, most contracts are valid and enforceable as soon as they have been signed by both parties. Do not rely on any perceived right to rescind or cancel the contract – make sure the contract is right before you sign it.

If you fail to perform your obligations under the contract, you “breach” the contract, and are liable for damages. For example, if you lease an apartment and “promise” to make monthly payments, failure to make a monthly payment is a breach. The other party may sue you if you breach and refuse to pay the assessed damages. If you are sued, and either fail to defend against it, or lose, you will be ordered by a court to pay the reasonable damages claimed by the other party.

Warranties

A warranty is part of every commercial sale and specifies the quality and dependability of the product or service purchased. You should notify the seller of a defect or problem as soon as you are aware of it because your warranty has a time limit. The warranty tells you what you can expect from the product, what you must do if you have a problem and what the seller will do to remedy the problem. Warranties establish your right to have defects in the product or service fixed. You should always ask for a copy of the warranty.

There are three types of warranties: oral, written (or express), and implied. An oral warranty is the seller’s spoken promise about the

product or service. Although oral warranties are binding, they are very difficult to prove, and therefore are seldom enforced. If a seller makes an oral “promise” about a product or service, get it in writing. A written warranty is a written promise about the service or product. Although easier to enforce than an oral warranty, a written warranty is not perfect because it may contain exceptions.

An implied warranty comes with all products sold by a merchant. The most important implied warranty for consumers is the implied warranty of merchantability. This warranty assures the consumer that the product purchased will at least do what it is supposed to do. For example, your toaster will toast, your recliner will recline and your can opener will open cans. This type of implied warranty covers new and used products purchased from a merchant (not from a garage sale) and may entitle you to repairs at no cost.

Closely related to the warranty of merchantability, is the implied warranty that a product will serve a particular purpose. If the seller knows why you are purchasing a product, and you as the buyer are relying on the seller’s expertise, there is an implied warranty that the product sold to you is “fit” for your purposes.

The seller of products for personal, family or household use can disclaim the implied warranties, and limit its liability by providing you with a disclaimer prior to the sale. The disclaimer should inform you that the product is being sold with a limited warranty, “as is” or “with all faults.” If these disclaimers appear on a product you are considering purchasing, be aware that you assume the risk of any problems if you make the purchase.

Small Claims Court

Small claims court, part of the District Division, provides a simple and informal procedure for you to sue someone without hiring an attorney. You, as the plaintiff, may sue anyone who owes you up to \$10,000.00. Small claims court does not have authority to resolve a dispute involving titles to real estate, nor can it order a person to do or not do certain acts. In small claims court, the judge makes decisions; you do not have the right to a jury.

To start a suit in small claims court, you must fill out a complaint. You can obtain the complaint form from any municipal district court or on line at www.courts.state.nh.us/district/forms, and when completed, the complaint may be filed with the municipal district court where you live, or where the defendant lives. All small claims cases are now filed electronically. Please refer to www.courts.state.nh.us/district/eclaims/index.htm for more information on how to file electronically. If the party you are suing is not a New Hampshire resident, you may file your complaint in the town or district where the act you are complaining about occurred, or in any district or town where the defendant owns property or does business. Always ask the court clerk if you are in the correct court.

You should call the court clerk to find out how much it costs to begin or file a complaint, and legally notify the other party (serve) of the small claim complaint. There is an additional charge for each additional defendant you sue on the same complaint. You must pay this money to the court clerk when you file your complaint. If you win the suit, you are entitled to reimbursement of the court costs from the defendant.

The court will notify you and the defendant by mail of the hearing date. If you, as the plaintiff, do not show up for the hearing, the court usually will dismiss the case, and you will get nothing. If the defendant does not show up, he or she will generally lose by default. At the hearing, the technical rules of evidence will not apply, but the judge may limit the evidence and testimony to only that which is material and proper. Judgment shall be entered for the prevailing party. If you win, as the plaintiff, you will also be reimbursed for your costs and interest. The judge may allow the defendant to make installment payments, rather than pay a lump sum award.

Internet/Privacy Issues

You need to be careful about what you post on the Internet as once it is posted, it can often be accessed in ways that you did not intend. While you may believe that your privacy settings protect you, they do not always. Some social media sites collect data from users. In

addition, your postings cannot be deleted. States, such as California, have laws that allow young registered users to erase their own posts, but currently there is no universal law to allow such erasing. Be especially careful not to post or send any content that is or could be construed as sexually explicit, violent, harassing or bullying. Once you reach 18, you will be treated as an adult in court, and could be charged with libel, defamation, assault, or trafficking in child pornography.

New Hampshire law prohibits an employer from requiring employees and applicants to disclose their login information for personal accounts, a method some employers used to directly monitor communications and to observe social media activities. Employers are also prohibited from requiring employees and applicants to “like,” “friend” or “connect” with an agent of the employer so that the employer can view all posts sent or received by the employee. Employers are, however, allowed to adopt and enforce “lawful” policies governing the use of the employer’s electronic resources, social networking sites and email resources. Under this “lawful” exception, employers can have policies allowing them the right to monitor any communications sent or received using the employer’s network.

In addition, you should be aware that consumers are often tracked on the Internet by software without knowing it. Tracking tools are one way that social media sites obtain revenue, by tracking a user’s behavior and preferences and then selling targeted advertising designed to match these preferences. Many sites use beacons or cookies, and other tools that follow a person’s web usage and then sell such information to third parties. Some internet browser programs include anti-tracking technology, permitting a user to attempt to reject these monitoring tools or at least to advise sites that use the tools that this user does not wish to be tracked in this way. California has enacted laws on this activity, but New Hampshire currently has no such laws that forbid such tracking.

As described below, you also need to be careful about posting information that could allow for identity theft.

Tape Recording

Generally, in New Hampshire it is a crime to record a person without the person's consent. If you are planning on recording a person, you should obtain the person's consent. While consent may be inferred by the overall circumstances, you should not rely on such type of consent. Illegal recording can be a felony under certain circumstances.

Protecting Your Identity

When somebody steals your personal information (your full name or social security number) to commit a crime, such as to fraudulently apply for credit, file taxes, or get medical services, this is identity theft, which is a crime. These acts can damage your credit and cost you time and money to restore your good name. You may not know that you are the victim of identity theft until a bill arrives that you did not incur or you are denied a loan.



Art credit: Sarah Lindsay

While many people believe that your identity can only be stolen by obtaining your wallet or passport or other information with personal information, identity theft is much more common and easy. It can be done by obtaining a picture that you posted on the internet, your address and log-in information to Amazon or another online store. You don't need to have a social security number or credit card to be the victim of identity theft. Here are some steps that you can take to try to avoid becoming a victim:

- Do not give out personal information on the internet. Even giving the last four digits of your social security number can help somebody steal your identity.
- Be careful of scam emails that may appear to be valid requests for information. If you have questions about an email, call the company, do not give personal information over the email link.

- Carefully manage your privacy settings on social media pages. Even having your full name and date of birth will allow thieves to access other sites in which they can then gather more information about you.
- Use strong passwords and have as many layers as possible of security access to sites that contain personal information.
- Protect your mail that has personal information by collecting it regularly and destroying it properly.
- Put a freeze on credit reports from three credit reporting agencies.

You should report identify theft to the Federal Trade Commission, either online or by phone. You will receive an identity theft report and a recovery plan. You can also create an account on the website which will allow you to update your recovery plan, track your progress, and receive prefilled form letters to send to creditors.

You may also choose to report your identity theft to your local police station which is especially helpful if you know the identity thief. This step is especially important and may be required if the thief used your name in any dealings with the police, creditors, or a third party. If you experience medical identity theft, contact the fraud department of your health insurance company or Medicare. If you experience tax identity theft, you should report it to the Internal Revenue Service and your state's department of taxation or revenue.

In addition, you can contact one of the three major credit reporting agencies to place fraud alerts or freezes on your accounts so that no one can apply for credit with your name or social security number. Also, get copies of your credit reports to be sure that no one has already tried to get unauthorized credit accounts with your personal information. Confirm that the credit reporting agency will alert the other two credit reporting agencies. You should also contact the fraud department at your bank, credit card issuers, and any other places where you have financial accounts.

Bank Accounts

Banks and credit unions hold your money and pay it out to you on your instructions. Some bank accounts, such as certificates of deposit, require you to keep your money in the account for a specified period of time. If you withdraw the money before the end of the specified period, you must pay an early withdrawal penalty. There may be a period of time that deposits are held before the funds are available for withdrawal. This usually occurs when you deposit checks into a checking or savings account, and the deposited check must be cleared through other banking institutions. Check with your bank or credit union for their specific policies.

Accounts may be opened in your name alone, or you may open a joint account with another person. Be aware that either party on a joint account can make deposits and withdrawals. This means that no matter how much you have contributed to the balance in an account, the person identified as a joint owner of the account can withdraw the entire balance. When you open a joint account, make sure that you trust the other person with whatever money you deposit. If a joint account is overdrawn, both parties can be held liable, regardless of who overdrew the account.

Credit

Sooner or later, you will want, or need, to borrow money for something: a car, college, house, or other big purchase. Your ability to borrow depends on your credit rating. Your credit rating is determined by whether you have made prompt and full payments on past bills and loans in the past. Often, creditors will deny a loan to a new loan applicant if he or she does not have a credit history or has not had a steady job for at least one year. Someone with established credit, who knows and trusts you, may volunteer to “co-sign” a loan for you. Doing this makes that person liable for the debt if you do not make timely payments, as required. You cannot be denied credit because of your race, sex, color, religion, national origin, marital status, age (unless you are under 18 years old) or because you are receiving public assistance.

In most cases, a creditor must notify you within thirty days whether it has accepted or rejected your application for a loan. If a creditor rejects your application, it must either give you a written statement of its reason for denying your application, or inform you that you can request the specific reasons by contacting the creditor within sixty days. A creditor then has thirty days to respond to your request. If your loan application is denied, it is a good idea to find out why. The creditor may have made a mistake or relied on erroneous information regarding your credit history. Additionally, knowing why your application was denied may help you make a better application next time.

Your credit history is maintained by one or more consumer credit reporting agencies, and most of your credit transactions, including your payment history, will be reported by these agencies. The consumer reporting agencies release this information to prospective lenders when you apply for a loan. If you co-sign a loan, or are listed on someone else's credit card, and that person fails to make payments, you will have to pay and your credit will be damaged.

You may check your credit rating by contacting a credit-reporting agency. There may be a fee if you request a report, unless you have been denied credit recently, based on their report. If you dispute the completeness or accuracy of any item contained in your credit report, and you report the discrepancy to the credit-reporting agency, the agency must re-investigate the matter, free of charge. The fact that you dispute an entry in your credit report must be included in future credit reports. If the agency finds an error, it must correct the error within 30 days. The Resources section at the end of this booklet lists the three largest credit-reporting agencies and their phone numbers.

You can also check your credit for free through some third-party organizations like Credit Karma. Be wary of these sites so that you do not unintentionally divulge information that could subject you to identity theft. Do not repeatedly check your credit because doing so may lower your credit. Be wary of authorizing others to run a credit check on you. Some rental applications require this step, but you can negotiate with the landlord to remove this provision from the lease or lease application.

Collateral

Collateral is anything that was identified to the loan agreement that has value that a lender can take if you fail to repay a loan. The lender wants property identified as collateral, which has value at least equal to the amount of the loan. If you fail to meet your obligations on the loan, the lender can use the collateral to pay off your remaining debt. Often the collateral for the loan is the item that you bought with the money lent to you. For example, on most car loans, the car is the collateral. If you fall behind in payments, or fail to make payments on time, even for a legitimate reason, you may be in default. Once you have defaulted, the creditor may take certain actions to collect the debt, including taking the collateral. The collateral would be sold and the proceeds used to satisfy your debt. If the proceeds are more than the amount you owe, you will be given the balance, minus reasonable costs incurred by the lender to satisfy the debt. If the proceeds are less than what you owe, you will be responsible for the shortfall, plus reasonable costs of the lender. Be wary of falling prey to predatory lending arrangements. Even if you default on an agreement but have made some payments, and the lender tries to take the collateral, you still have some rights in the collateral. See the section below on Debt Collection but seek out legal advice if necessary.

Credit Cards

Credit cards are a pre-approved loan for a set amount. When you use a credit card to make a purchase, you have already promised to repay the “loan” in accordance with the credit card agreement that you signed in order to obtain the card. The credit card agreement specifies, among other things, the interest rate of the loan, whether there is any grace period before interest accrues, and minimum payments required, based on the remaining balance owed. Credit card companies make money by charging interest and finance charges on the money you have borrowed. Most credit cards will inform you of both the total balance you owe each month, and a minimum payment which is necessary. If you pay at least the minimum payment, you will be meeting your obligation and your

credit report will reflect that you pay your bills on time. However, if you do not pay your balance in full, your outstanding balance will increase each month as interest is added.

Generally speaking, credit card interest rates will be higher than most other types of loans. This is because the credit card company does not have any collateral to secure the loan, and it is at a greater risk of losing money. You are, however, responsible for paying for all items you charge on a credit card.

Many people make the mistake of overextending themselves financially by charging many purchases, which they cannot pay off for a long time. To prevent this problem, many financial advisors recommend that a consumer charge only necessities and items that can be paid off the month that they are purchased. This keeps the balances low and reduces the interest that you must pay. Although credit cards are very common, they differ greatly in terms and features. Shop around to find the card that has only the features you want and need. For example, a low interest rate may not be important to you if you pay off the balance each month, and the card has a 30-day grace period before interest accrues.

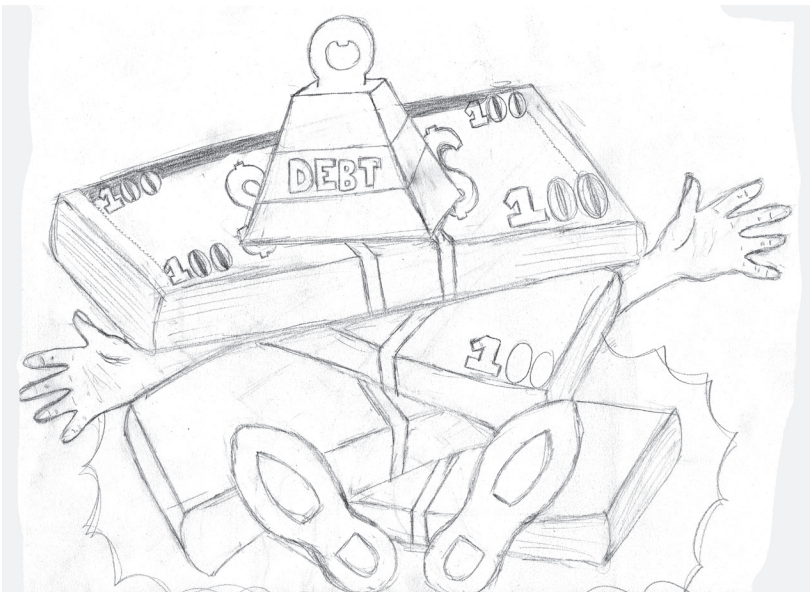
If you lose your credit card and report it, the law limits the maximum amount you must pay for unauthorized use to \$50.00, regardless of how much someone who finds or steals your card may purchase with it. If just your card number is stolen, you are not responsible for any unauthorized charges. If you immediately notify the bank or company issuing the card that it has been stolen or lost, you will not be responsible for any charges made with your card after that point. For this reason, it is a good idea to keep your card numbers and the phone numbers of the issuers in a secure place separate from your wallet or purse, so that you can notify the issuers immediately if your card is lost or stolen.

If you lose an ATM or debit card and report it lost within 2 business days, you are only responsible for \$50.00 of unauthorized charges. If you report the ATM or debit card lost after the 2 days but within 60 days, you must pay for unauthorized use up to \$500.00.

Debt Collection

A debt collector may not make harassing telephone calls; use profane, obscene or vulgar language; communicate with a debtor at the debtor's place of employment unless special circumstances exist; or refuse to disclose the name of the debt collector or the debt holder. Also, a debt collector cannot use or threaten to use force or violence, take any unlawful action or threaten to take any unlawful action, or communicate or threaten to communicate the debt to another person who is not connected to the debt.

A creditor or debt collector may not enter your home and repossess collateral unless there is a court order to do so. However, your car may be repossessed without a court order wherever it is parked, as long as no breach of the peace or forced entry takes 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.



Art credit: Rachel Benson

Usually, if a creditor repossesses the collateral and you do not repay the unpaid balance on the loan or contract (plus reasonable repossession costs), the creditor will sell the repossessed goods. If the goods are sold for less than you owe on the loan or contract, you are liable for the difference. If the goods are sold for more than you owe, the creditor must refund the surplus to you, minus reasonable repossession costs, and if provided in the contract, reasonable attorney's fees.

A creditor also may go to court and get an order to garnish your wages. This means that a portion of your income will be sent to the creditor to pay off your debt. Creditors, legally, cannot take any of your wages before taking you to court and getting a court order. A court should not allow a creditor to take so much of your earnings that you would not be able to meet your basic living expenses.

After getting a judgment against you, a creditor can obtain a court order to make you pay off the order in weekly or monthly installments, called periodic payments. Once a periodic payment is ordered, you must pay it. If you do not have the money, or have some other legitimate reason for not continuing the periodic payments, you must go back to court to have the payment order reduced, or temporarily stopped. Otherwise, you may be found in contempt of court.

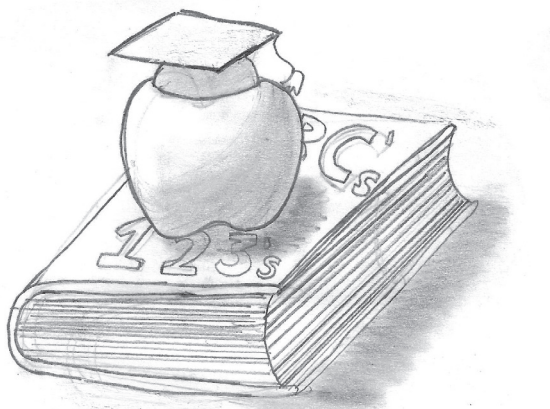
Bankruptcy

Bankruptcy is a procedure established by federal law allowing a person or business, under certain circumstances, to be relieved of debt. There are several different types of bankruptcy proceedings. Bankruptcy should be a last resort, since it will affect your ability to obtain credit in the future. Bankruptcy is not a cure for an inability to meet day-to-day living expenses, and it does not discharge debts, which may arise, such as medical or hospital expenses, after the date you file for bankruptcy.

Gift Cards

Many people buy or receive gift cards. Under New Hampshire law, gift certificates that have a value of less than \$100 cannot have an expiration date. Gift certificates of \$100 or more expire when they become abandoned property, currently after 5 years. After this time period, the business is required to turn that money over to the State as “abandoned property.” You can check the list of abandoned property on the web page for the State Treasury (www.nh.gov/treasury/unclaimed-property).

This law does not apply to season passes or non-refundable coupons. In addition, it does not apply to gift certificates for which neither you nor the person giving it paid or a gift certificate that was given for promotional purposes.



Art credit: Maya Twombly

Education

Higher Education

Given the increased opportunities and salary from higher education, you may want some form of postsecondary education or training in a specialized field. Choosing the right program and school is crucial, and you should consider the school’s academic standards, programs, costs, location and the financial packages available to you. You must also decide whether you want a private or public school; cost is often a factor in making this decision. There are also community colleges that can offer specialized degrees. Guidance counselors at your high school can answer specific questions that you may have and help guide you in making this decision. You should also consider visiting the campus of a potential school or college that you are interested in.

There are several standardized tests used by colleges and universities for admission and/or determining eligibility for certain scholarships. The American College Testing (ACT) exam is used for admissions purposes by some schools. The Scholastic Aptitude Test (SAT) is another popular admission test. The test scores are confidential until you authorize and direct the results to be sent to your selected schools.

Financial Aid

The pursuit of higher education is a major commitment of both your time and money. Before you commit to any program, you should determine the annual cost, which includes tuition and all other expenses, such as books and living arrangements. Financial aid is available from the federal government, state government, private and public institutions, and private organizations. There are need-based programs and merit-based programs. Funding can come in the form of:

- scholarships, which are monetary awards based on academic performance and/or financial need;
- grants, which are based on financial need and typically do not have to be paid back;
- loans, which are monetary amounts that must be repaid at a reasonable rate of interest, usually requiring demonstration of need; and
- employment, which can be part-time during the school year or full-time during vacations and could be based on financial need in the case of work-study programs funded with state or federal dollars.

To obtain some need-based scholarships, you must complete an application form, the Free Application for Federal Student Aid (FAFSA), which can be obtained from your high school guidance counselor, any local community college or university financial aid office, or the Internet at www.fafsa.ed.gov. Some schools may also require students to complete a separate form.

There are many different types of federal programs. The Federal Pell Grants are available based on demonstrated need. There are also Federal Family Education Loan Programs (Stafford Loans) which

provide loans by private lenders and nonprofit public agencies based on need. Some of these loans are subsidized by the federal government, meaning your interest is paid by the government while you are in school and for a grace period thereafter. Unsubsidized loans of this type generally mean that you are responsible for the interest payments while you are in school. In addition, the Federal Direct Student Loan Program is a loan administered by the U.S. Department of Education. The Parent Loan for Undergraduate Students (PLUS) is for parents who wish to borrow for their children's education at eligible schools. There are also many grants such as the Supplemental Education Opportunity Grant. There is the Federal College Work-Study, with jobs available on and off campus.

State funds are also available. In New Hampshire, the Division of Higher Education – Higher Education Commission administers the state's scholarships and grant programs. www.Collegescholarships.org has additional information.

You must repay some types of financial aid. You should be aware of and fully understand your repayment obligations, including when the first payment is due, the interest on the outstanding amounts, and any forbearance on deferment provisions which may alter the amount due or the time in which it must be paid.

There also may be financial aid/scholarships offered at the local level through various community businesses/organizations. You should contact your high school guidance counselor for more information about available aid/scholarships.

Your Rights in Private School *(Private College or Trade School)*

The rights that you enjoy as a student in public school are not the same as the rights that you have when you attend a private school. When you go to a private school, you are generally governed by contract law. Therefore, you need to know what the contract or rules are for the private school. You should start learning them by reading any student handbook or other documents that the school provides to you. You are accountable for both knowing the rules and following them.

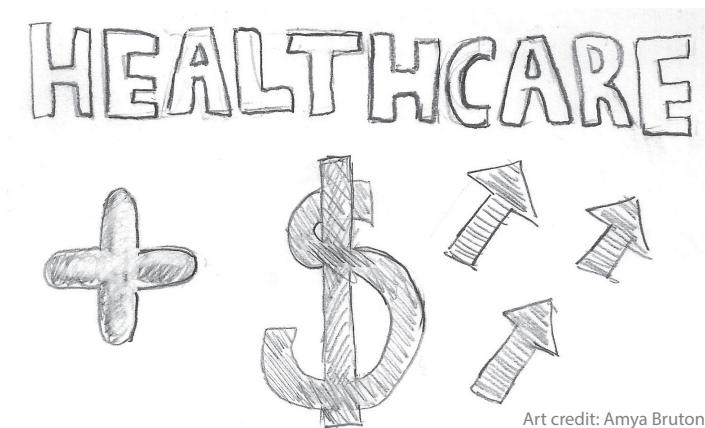
Many rules have serious penalties, including being expelled or suspended. For example, hazing, cheating, sexual misconduct, and substance abuse could be a basis for disciplinary action.

The right of a private school to search your school dorm room is also most likely governed by contract. While public schools are subject to the Fourth Amendment protections regarding search and seizure, many student housing agreements specifically include consent by the student for the school to enter and search a student's room for specific reasons, such as health and safety. While courts do not always uphold broad consent provisions, they have routinely upheld provisions granting the right to the school to conduct searches based on reasonable purposes.

Sexual assault and rape can occur while you are at school. Sexual assault and rape are serious issues. You should report any conduct regarding such criminal activity to the school and to local law enforcement, when appropriate. If you are accused of assault or rape, you should consult with a lawyer.

Harassment and illegal discrimination are also issues when you go to school. Students are protected from harassment at publicly funded schools under Title IX, which prevents discrimination based on sex. Title IX does not apply to religious schools to the extent that the specific discrimination is consistent with religious beliefs of the organization and also does not prohibit single-sex schools if certain conditions are met. There are also laws that address and prohibit discrimination in schools regardless of whether they are publicly funded. If you are aware of harassment/discrimination, you should review the school's policies and determine the procedure to follow with the school and also determine whether you want to report any criminal conduct to any government agency.

While public schools have to provide students with disabilities many rights, including the requirement for an Individualized Education Plan, private schools also have obligations to address disabilities under state and federal laws, including the Americans with Disabilities Act.



Art credit: Amya Bruton

Medical

Health Insurance

It is important for you to have some type of health insurance coverage. Health insurance protects you from paying the high cost of routine medical treatment to stay healthy and the high costs of emergency treatment in catastrophic situations. In addition, under the current health care law, you must have “qualifying health coverage” or pay a penalty on your next federal tax return. People with very low incomes and those who meet other specific conditions can get an exemption from the requirement to have health insurance. In 2016, the penalty was 2.5% of household income or \$695 per adult (half of that per child), whichever is higher.

If one of your parents’ health insurance plans covers dependents, you can usually be added to their plan during an open enrollment period and stay on it until you turn 26 years old. Even if you get married, have or adopt a child, start or leave school, live in or outside of your parent’s home, are not claimed as a tax dependent by your parents, or turn down an offer of job-based coverage, you most likely still qualify for coverage on a parent’s plan until you turn 26 years old. If you’re on a parent’s Marketplace plan, you can remain covered through December 31 of the year you turn 26 (or the age permitted in your state). If you’re covered by a parent’s job-based plan, you should check with the

employer or plan to see if coverage could be extended beyond turning 26 as some states and plans have different rules.

If you do not have parental coverage, there are two options. First, many employers offer health insurance benefits as part of the benefits of employment. You should ask your employer if coverage is available and the cost, as many employers pay a substantial portion of the premiums. Second, if you do not have health insurance through an employer, you can obtain insurance through the Health Insurance Marketplace. There are policies that are for a year's duration and also short-term health insurance for a maximum of 3 months. In addition, you may want to consider dental insurance and or travel insurance. You can find out more information by going to www.Healthinsurance.org.

Privacy

The HIPAA Privacy Rule protects your medical records and other personal health information from disclosure. It applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. It requires appropriate safeguards to protect your personal health information from being disclosed and sets limits on how the information can be used without your authorization. It also gives you the right to examine, obtain a copy of, and request corrections on your health records.

The Rule does not require the health care provider or health plan to share information with other providers or plans. Rather, a health care provider or health plan may send copies of your records to another provider or health plan only as needed for treatment or payment, or with your permission. In addition, a provider cannot deny you a copy of your records because you have not paid for the services you have already received. A provider, however, may charge for the reasonable costs for copying and mailing the records, though not for searching or retrieving your records.

The Rule does not give you the right to access a provider's psychotherapy notes. Psychotherapy notes are notes that a mental health professional takes during a conversation with a patient. They are kept separate from the patient's medical and billing records.

HIPAA also does not allow the provider to make most disclosures about psychotherapy notes about you without your authorization.

If you think the information in your medical or billing record is incorrect, you can request a change or amendment to your record. The health care provider or health plan must respond to your request. If it created the information, it must amend inaccurate or incomplete information. If the provider or plan does not agree to your request, you have the right to submit a statement of disagreement that the provider or plan must add to your record.

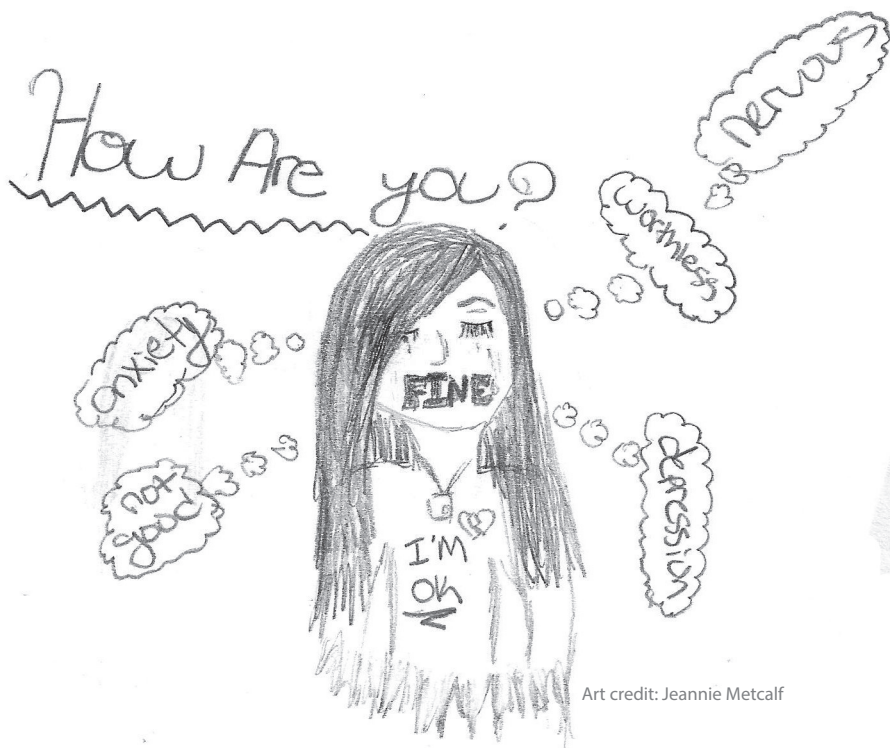
Mental Health/Suicide

Suicide and mental health issues are serious health issues. There are many resources available to help you or any close relatives or friends who need help.

Suicide is generally preventable and affects us all. The majority of violent deaths in New Hampshire are suicides. For every homicide in New Hampshire, there are approximately 10 suicides. Suicide is a harsh reality in New Hampshire, as in every state. Suicide is preventable. It is important that people recognize the signs that often lead to suicide and that everyone is aware of the many resources available.

If you or somebody you know is having thoughts of suicide or manifesting the signs that you think they may harm themselves, you should obtain help. There are resources at the back of this book, but please call the National Suicide Prevention Lifeline, 1-800-273-TALK (8255), which will connect you with an operator in your area who is trained to handle suicide emergencies. There is also New Hampshire Headrest which provides 24-hour support at 1-800-639-6095.

If you are in psychiatric distress or are concerned about your mental health, there are also resources available to you. Services are available 24-hours a day, 7-days a week to any person in the state of New Hampshire who may be experiencing psychiatric distress or mental health issues. If you are dealing with an immediate crisis, please call



Art credit: Jeannie Metcalf

911, or call the statewide suicide hotline at 1-800-273-TALK (1-800-273-8255), or visit the emergency room at your local hospital, or contact your local community mental health center. For less urgent situations, please contact your local community mental health center, or your local peer support agency. Several of these agencies offer “Warm Lines” that provide telephone peer-to-peer support, understanding, sympathy, and advice.

There are also Community Mental Health Centers that are private full-service clinics, which offer a wide variety of programs such as individual and group therapy, medications, and symptom management. They also provide special intensive services to persons who meet the eligibility requirements (www.dhhs.nh.gov/dcbcs/bbh/eligibility.htm) because they have a severe mental illness or emotional disability.

There are also Peer Support Agencies which are private not-for-profit agencies that have contracted with the State of New Hampshire

to provide help to people with mental illness who are 18 years of age or older and who identify themselves as a recipient, a former recipient, or a person who is at significant risk of becoming a recipient of publicly-funded mental health services. You can find out more information at www.dhhs.nh.gov/dcbcs/bbh/peer.htm.

Health Care for Your Child

If you have a child and need health care for this child, you may qualify for the Child Health Program (CHP). Through this program, there are 10 community health centers and one health agency that provide health care services to children in their communities. Services are targeted to low-income, uninsured, or underinsured children. Care is provided through office visits and home visits, and it is free or available by a sliding fee scale, depending on the family's financial situation. You can find providers and more information at www.dhhs.nh.gov/dphs/bchs/mch/child.htm. Services include:

- helping parents enroll a child on NH Medicaid, if the child is eligible;
- physical exams;
- health screenings;
- immunizations;
- information on topics such as a child's growth, development, and safety;
- social services; and
- helping parents with coordinating care and getting other needed services.

There are also services provided by eight community health agencies in the state to help families that have children who may already have health care providers but need additional services. The Agencies provide services such as helping parents enroll a child in NH Medicaid if the child is eligible; helping parents with coordinating care and getting other services like food stamps; providing information on topics such as a child's growth, development, and safety; and if the child does not have health care or a provider (or "medical home") or

dentist, parents can get help finding one or more of these services for their child. These services are used primarily by children from birth through age 10 but are available for children up to age 19.



On the Job

Art credit: Aidan Faulstich

Job Search

Job searches can be done in many ways, and many people use the internet to both find jobs and submit applications/resumes. You should have a resume prepared with the following areas:

- Who you are – name, current address, email address, and phone number.
- Career goals – what position you are seeking and why.
- Education – schools attended, degrees, course work if applicable.
- Work experience/Volunteering – identify job titles, employer names, dates of employment, job description, and accomplishments.
- Interests/Hobbies – list those activities and organizations that take up your time away from work/volunteering.
- References – You should state that they are available upon request and then have a prepared list of 2 to 5 people who will serve as references. These references should be employers or others who know your skills (i.e. not your parents or friends).

Generally, a resume is one page but not more than two pages. You may want to tailor your resume for the specific job for which you are applying. Make sure that it is accurate and truthful. Also make sure that it does not have spelling mistakes. Many employers also require an applicant to fill out an application.

The job interview is one of the most important parts of the hiring process. You should dress appropriately for the job for which you are applying and arrive early. You should be prepared to answer questions about your prior work history and how you are suited for the current position. Often, employers will ask you questions that will cause you to think on your feet, such as a challenge that you recently faced and how you overcame it.

You should be aware that an employer cannot discriminate against you in the hiring process for any of the protected qualities, including age, sex, race, creed, color, marital status, physical or mental disability, national origin or sexual orientation.

Be careful about what you post on line about yourself as many employers search the Internet for information about potential and current employees.

Employment

In order to work in the United States, if you are a U.S. citizen, you must have a social security number, as required by the federal Social Security Act. If you do not have a social security number, you have forgotten your number, or you do not know if you have one, contact the nearest Social Security Administration office for assistance. There is an office of the Social Security Administration in Concord and more contact information can be found in the resources section at the end of this book.

If you are from another country, you must have one of three documents: (1) Permanent Resident Card (also known as a Green Card), (2) an Employment Authorization Document (work permit), or (3) an employment-related visa that allows you to work for a particular employer.

Employment in New Hampshire, and many other states, is considered “at will” unless there is an employment contract. Employment “at will” means that you can quit at any time for almost any reason, or even for no reason. Your employer has a comparable right to fire you. There are exceptions to this policy. For example, an employer cannot fire you for an unlawfully discriminatory reason. Also, an employer cannot fire you out of malice, bad faith or retaliation for doing something favored by public policy or refusing to do something disfavored by public policy.

Even if you have a contract with your employer or are part of a union, there are usually provisions in the contract or applying to the union for firing an employee “for cause.” The term “for cause” refers to an employee action, which provides the grounds for immediate firing. For example, an employee that steals from the company or a customer, or who uses alcohol or illegal drugs during working hours, may be fired on the spot by his or her supervisor. The contract, or company handbook, usually identifies the actions that call for immediate dismissal.



Art credit: Nikolaos Dafopoulos

Employment Benefits

When you are offered a job, the first thought that flashes through your mind is likely to be how much will I get paid? The answer to this question is not always as simple as it seems. In addition to receiving pay for the work that you do, the employer also may provide “fringe” benefits. Your total compensation will be the combination of your actual pay plus the value of the benefits provided by the employer.

Some of the more common benefits offered by employers include life insurance, health insurance, tuition reimbursement for college courses, and some type of retirement savings plan. Because the employer pays for these benefits, your actual pay may be less in a job with these benefits. You must determine the value of these benefits to you, so that you can decide whether the total compensation package is acceptable.

The value of a fringe benefit to you depends on whether you need or will use the benefit. For example, health insurance provided by an employer is of little value to you if you are adequately covered by other health insurance already. The same is true for tuition reimbursement if you have no plans or desires to further your education. Generally speaking, however, employer-provided benefits are quite valuable.

Workers’ Compensation

Workers’ compensation laws in New Hampshire provide certain benefits for workers who are injured or disabled because of their employment. These benefits include: (a) weekly compensation for lost wages while disabled; (b) payment of medical bills and expenses for the work-related injury; (c) payment for loss or permanent impairment of a body part; and (d) death benefits. In some situations, an injured worker also may be entitled to vocational rehabilitation, light duty work during recovery, and re-employment following the disability, if the position still exists, is available, suitable for the employee, with reasonable accommodations for the employee’s limitations. The employer must employ 5 or more people for this law to apply.

Under New Hampshire law, it is presumed that employees have waived their right to sue their employer for job-related injuries, in return for the protection and benefits provided by the workers' compensation laws. A waiver of suit against employer does not include a suit for wrongful termination of employment. But, the former employee is barred from bringing claims for certain injuries resulting from wrongful discharge. This depends on the type of claims, but generally means that you cannot sue your employer for a work-related injury. The law provides limited benefits quickly and without the need to prove that the employer was at fault. This program allows an injured employee to receive benefits almost immediately while he or she is unable to work, rather than waiting years for a resolution through the courts. An employer with one or more employees is required to provide workers' compensation benefits.

To collect workers' compensation benefits after an injury: (1) you must notify the employer in a timely manner; (2) it must be determined that your employment created a risk that resulted in your injury; and (3) you must have been at your job (time, place and manner) when you were injured. If your employer or the employer's insurance carrier denies your legitimate claim for workers' compensation benefits, you should consult with an attorney and ask for a hearing on the matter at the New Hampshire Department of Labor. If you are a federal employee, the Federal Employees Compensation Act provides similar benefits.

Employee Rights

As an employee in New Hampshire, you have numerous rights. State law mandates some and federal law creates others. The size of this publication limits the scope of this topic, but some of the more common rights include:

- ***Family and Medical Leave Act (FMLA):*** This federal regulation requires employers with 50 or more employees to allow employees who have worked for over a year to take up to 12 weeks of leave in any 12-month period. This leave must be to care for a newly born child (including children placed with you as part of an adoption

proceeding or foster care), to care for a spouse, child or parent with a serious health condition, or to care for your own serious health condition. The leave period may run simultaneously with paid vacation or sick leave. Leave under the FMLA may be unpaid.

- **Personnel File:** Under New Hampshire law every employee has the right to access his or her personnel file and the employer is obligated to provide a copy to the employee at a reasonable cost. If employer and employee disagree about something in the file, and it cannot be resolved, the employee may write a statement and provide evidence to support that statement, which can then become part of the file. Disclosure is not required during the time an employee is under investigation.
- **Lunch:** Employers may not require hourly employees to work more than 5 consecutive hours without a ½ hour break for lunch. The only exception to this law is if you can eat while you work and the employer permits this. An example might be a night security guard who is still “on the clock” while he or she eats.
- **Work Environment:** Employees are entitled to a safe and healthy work environment. The terms “safe” and “healthy” are, however, relative terms. Some jobs, by their nature, are not safe or healthy. Examples include police officers, firefighters, garbage collectors, taxi cab drivers, window washers on high-rise buildings, and healthcare providers treating people with contagious diseases. The intent of the law is to provide the safest and healthiest working environment within the limits allowed by the type of work being done.
- **Wages:** Employees are entitled to receive a minimum wage for their work in accordance with federal and New Hampshire law. There are many exceptions, but the minimum wage is \$7.25 per



Art credit: Xzavier A. Randolph-Fleming

hour for most employees at the present time. "Tipped" employees, such as waiters and waitresses, who receive more than \$30 a month in tips, will receive a base hourly rate of not less than 45% of the minimum wage of \$7.25 per hour. If this base rate plus tips does not add up to at least the minimum wage, the employer must pay the difference. These are important exceptions, but in general, if an employee works more than 40 hours in a one-week period, he or she is entitled to overtime pay at the rate of 1½ times their normal hourly pay for the overtime worked.

Unemployment Compensation

Unemployment compensation provides some reduced amount of pay for a limited period when you are out of work. To qualify for unemployment compensation, you must have worked a minimum amount of time for an employer who insured you for unemployment. Then if you are out of work, you may be eligible for unemployment compensation under the following conditions:

- you were fired for reasons not related to your job; or
- you were unable to do the job the way your employer wanted it done; or
- your employer fails to prove that you were fired for serious misconduct; or
- you left a job because of illness or leave of absence and were told you could not return.

You may not be eligible for benefits under the following conditions:

- you lie about your education or experience on a job application or resume, and the employer relied on this information in hiring you;
- you were fired for misconduct connected with your work, including, but not limited to, being fired for:
 - using profanity;
 - violence or threatening violence;
 - absenteeism, tardiness;
 - insubordination;

- use of drugs or alcohol;
- in some special cases, off-duty behavior, for example being arrested and convicted of stealing when your job involves handling other people's money;
- you voluntarily quit your job without "good cause";
- you are unavailable for or are not searching for work.

To receive unemployment compensation benefits, you must file a claim with the nearest Employment Security office, regardless of the state or area where you last worked. Your former employers will be contacted to verify the information that you provided and to determine your eligibility for unemployment compensation. The Employment Security office then will advise you of your eligibility and, if eligible, your weekly benefit amount. You have the right to appeal any decision concerning your eligibility. An appeal must be received 14 days after you, as the recipient, received a determination.

After you have registered with the Employment Security office, you must report to the unemployment office on a regular basis, usually weekly. Be prepared to provide the names of places and people you have contacted for work to prove that you are actively looking for a job. You also must report all work that you do and money you earn. The Employment Security office will sometimes contact the employers you claim to have contacted for work to verify your continued eligibility for benefits. To continue receiving benefits, you must: (1) be partially or totally unemployed; (2) be available for work; and (3) you must actively be seeking work.

The New Hampshire Employment Security Department has information on unemployment compensation. The contact information is in the Resources section at the end of this book.

Sexual Harassment

The Civil Rights Act of 1964 prohibits employers from discriminating based on sex with respect to compensation, terms, conditions, or privileges of employment. One form of sex discrimination is sexual harassment.

Sexual harassment in employment can be best defined as: (a) unwelcomed sexual advances, unwelcomed requests for sexual favors, or other unwelcomed verbal or physical conduct of a sexual nature, which affects employment decisions; (b) conduct that unreasonably interferes with an individual's work performance; or (c) conduct or behavior which creates an intimidating, hostile, or offensive work environment.

The most recognized form of sexual harassment is a person in authority attempting to coerce or bribe another with the promise of a raise or job promotion in return for sexual favors. Sexual harassment, however, encompasses a wider range of conduct and behavior. Some behaviors, which *may* constitute sexual harassment include:

- sexist comments or innuendoes;
- humor or jokes about sex or gender;
- profanity or other language which creates a hostile working environment;
- sounds which are suggestive, obscene, or insulting;
- whistling or "catcalls;"
- leering or ogling;
- display of sexually explicit material, such as, photos, magazines, or posters;
- propositions, invitations, or other pressure for sexual favors;
- obscene gestures;
- implied or actual sexual threats;
- inappropriate or unwelcomed body contact such as patting, pinching, brushing up against someone else, or any other form of sexual or sensual touching, which is not explicitly invited;
- uninvited and unwanted attempted or actual kissing or fondling;
- coerced sexual intercourse; and
- assault and rape.

Depending on the behavior you have witnessed or experienced, you have a variety of options for next steps. If you have been assaulted or encountered violence, you should immediately contact the police and seek medical attention. You can also seek help from the New

Hampshire Sexual Assault hotline, listed at the end of this book in the Resources section. If you believe that your rights have been violated, then you should also report the harassment to the appropriate person at your place of employment and follow the procedures established for addressing sexual harassment in the workplace. If this fails to resolve the situation or you have concerns about making such a report, contact an attorney or the New Hampshire Human Rights Commission for further assistance.

Discrimination

Job discrimination occurs whenever an employer makes decisions about an employee's hiring, wages, working conditions, promotions, vacations or other benefits, or other terms and conditions of employment based on an employee's age, sex, race, creed, color, marital status, physical or mental disability, national origin or sexual orientation. Discrimination may not always be obvious or hostile, but if it is based on a protected category, such as sex or race, it is illegal.

An employer is allowed, however, to consider an employee's performance and ability to do a particular job in making job-related decisions. If only people having certain physical or mental capabilities can perform the essential duties of a job, it is lawful for the employer to hire only persons meeting such job qualifications.

If you believe that you have been the subject of unlawful discrimination, or want more information, contact an attorney or the New Hampshire Human Rights Commission.

Unions

You may find that you obtain a job in a workplace that has a union. Joining a union cannot be a condition of employment. You are free to decide whether you want to join a union or not.

Union membership usually comes with a fee that members pay to support the activity of the union. States have laws that regulate whether workers who are not members of a union can be required to pay an agency fee, often called a fair share fee, to cover the cost

of representation for collective bargaining purposes, but not for the union's political activities. A recent Supreme Court decision in 2018 held that government workers who choose not to join unions may not be required to help pay for collective bargaining. This decision does not apply to workers in the private sector. Many states have right to work legislation that generally prohibits unions from forcing non-union members to pay fees to the union. New Hampshire currently does not have any right to work legislation.

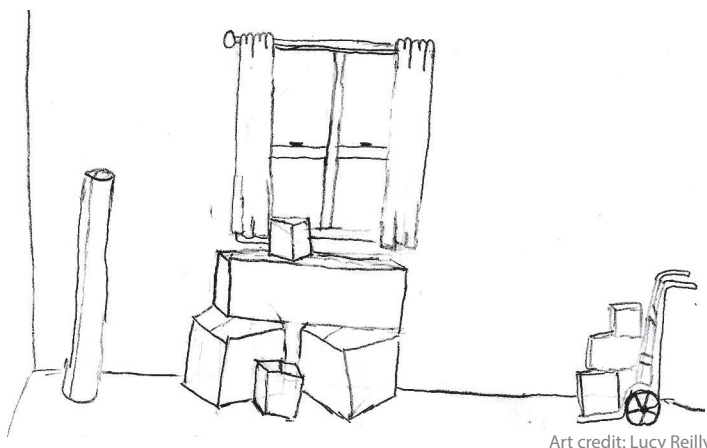
Moving In - Moving Out

Renting

The Lease

A lease is a contract between you and the landlord that contains the conditions of renting. (For more information about contracts, see the section "As a Consumer.") If you have a written lease, make sure that you read the lease carefully and understand all the terms of the lease. You should ensure that any additional promises or conditions are added in writing. Before signing the lease, be sure that you know who will pay for utilities (gas, water, and electricity), trash and recycling removal, snow removal, wireless Internet, heat, and other such services. You may also want to ask the landlord for the previous tenant's monthly expenses on these utilities, especially heat and electricity, because these can be high in New Hampshire in the winter. Also, be sure to ask about parking – how many vehicles can park on-site and if you will be required to move your vehicle(s) at any point. Be aware that your landlord may require an extra fee for pets – this too should be in the lease.

The lease should specify when the lease period begins, when it expires, whether a security deposit is required, the amount of the security deposit, the conditions that must be met to have the security deposit returned, and the amount of notice required before vacating the premises. If the lease is a preprinted form, do not sign it until all the blanks have been filled in. If a blank does not pertain



Art credit: Lucy Reilly

to your lease, it should have “not applicable” or “N/A” written in the space. When you sign the lease, always record the date next to your signature. You should receive an original copy of the lease, signed by you and the landlord, and you should keep the lease in a safe place.

If you do not have a lease, the landlord can give you 30 days’ notice of a rent increase. With a written lease, the landlord, in most cases, cannot raise the rent until the lease term expires. Some written leases contain a provision that allows the landlord to raise the rent during the lease term, if you are given appropriate notice. Make sure you understand and agree with the lease terms addressing rent increases before you sign the lease.

Leases for more than one year in length must be in writing. Leases up to and including one year in length can be verbal. A written lease is always the better option, as it documents the terms of the agreement that you have reached with the landlord, and it is easier to enforce. With a written lease, you should have a better understanding of your rights and responsibilities and will have something tangible to reference if a dispute arises. A written lease is also a good reference for you during the lease period. You can refer to the document for the landlord’s contact information, rules regarding when the landlord can enter your space, and penalties for late rent payments, for example. A written lease may also be useful for you as documentation of your residency so that you can get a New Hampshire drivers’ license, start

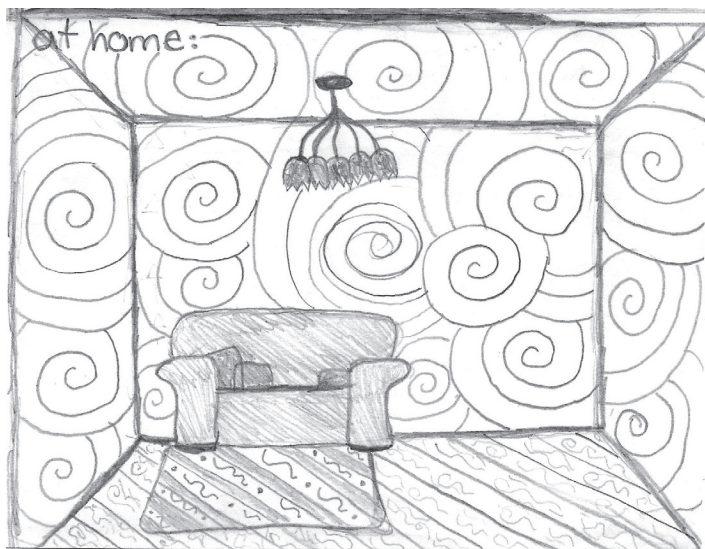
a new bank account, switch the utilities for the apartment to your name, or get a library card. For all of these reasons, a written lease is a good idea.

Bear in mind, however, that the landlord will provide the written lease as a preprinted form, and it will likely be slanted in the landlord's favor. Be wary of clauses that automatically renew an expired lease for another term unless written notification is provided to the landlord within some period. Little can be done, legally, if you have agreed to such a clause, then miss the deadline for providing a notice to vacate. Also, beware of clauses that allow the landlord to increase the rent during the term of the lease. This may defeat your purpose in obtaining a lease, and generally provides the landlord with too much control. Again, before signing the lease, make sure that you have read the entire lease and understand all the conditions and provisions. If you have any questions, contact an attorney to review the lease before it is signed. An ounce of prevention is worth a pound of cure.

Security Deposits

Any money that you give the landlord, other than your monthly rental payment, is considered a security deposit. For example, if the landlord asks for the first and last month's rent in advance, the last month is considered your security deposit. Generally, security deposits must be returned to the tenant within 30 days from the termination of tenancy. If there is damage to the rental property, with proper notice, the landlord can use the security deposit for such repairs. New Hampshire law on security deposits applies to all residential tenants unless you rent a single-family home from your landlord who does not own any other rental property, or if you live in a building with less than six apartments and your landlord lives in the same building.

If the landlord holds your security deposit for more than one year, he or she must pay you the amount of interest earned on the money in the account where it was deposited. The landlord must, upon request, provide you the name of the financial institution where your security deposit is kept. Even if the security deposit law does not apply to you, other rights, such as suing the landlord if your security deposit is not returned when you move out, still apply.



Art credit: Emma Corson

A landlord cannot require you to pay a security deposit that is greater than one month's rent or \$100.00, whichever is greater. When you give the landlord your security deposit, you are entitled to a receipt identifying the bank or institution where the money is deposited. You also should be notified that you have five days to give your landlord a list of defects and damages that existed when you moved into the apartment or house.

Finding Safe and Sanitary Housing

If you want the landlord to make any changes before you move in, this should be identified explicitly in the lease agreement. You are required to return the apartment or house in the same condition as when you moved in, except for normal wear and tear of everyday living. Therefore, it is recommended that you take photographs or video before you move in to document the condition of the premises. The pictures or video footage could be very helpful when you move out and want your security deposit returned.

Along the same lines, when you move into an apartment or house, be sure to make a list of all defects and damages found, as these

may not always be visible in a photograph or video. This list should include the general condition of the premises as well as specific damages and defective operating conditions of any appliances, such as the dishwasher, washing machine, garbage disposal, water heater, furnace, and air conditioner. You should also include the condition of the walls, ceilings, floor coverings, etc. The best time to make this list is before you actually move your household effects into the apartment or house. With it empty, you will be able to view the premises without having to move furniture, pictures, and the like.

You should sign and date this list, and provide a copy to your landlord within a day or two of moving in. For reference, a copy of the list should be retained with your copy of the lease in a safe place.

Under New Hampshire law, landlords must provide safe and sanitary housing. This means that the apartment or house must not be infested with bugs, mice, or rats unless the landlord during a current inspection has just discovered them and an extermination program is in progress. The apartment should be clean when you move in. It is okay to ask about the history of bed bugs in the space. The premises must not have any serious plumbing problems, and there can be no exposed wiring, improper connectors, or defective switches or outlets. The walls and roof should not leak. The porches, stairs, and railings must be safe, and the floor, ceilings and walls must not have large holes or falling plaster that makes them dangerous. There should be an adequate, clean water supply and functional water heater. There should be no leaks in any gas or sewer lines. All heating equipment should be properly installed and in good working order. All living areas should be able to be heated to at least 65 degrees Fahrenheit. If heat is included in the rent, then the premises should be kept at a minimum of 65 degrees Fahrenheit.

Lead paint is a common problem, especially with older homes and apartments. Lead paint becomes a significant concern if young children, pregnant women, or lactating women will be living in the premises. If the building you are renting was built before 1978, your landlord may be required to provide a "lead paint disclosure," stating his or her knowledge of the presence of lead paint in the property. Before entering any lease for an older property, you should inquire about the

landlord's knowledge of the existence of lead paint and ask if any tests have been performed to certify that the apartment is lead free.

The city or town in which you rent might have a local housing code that applies to your rental. It will probably contain more detailed requirements, which should provide even greater protection. Check with your town or city hall or the New Hampshire Legal Assistance office nearest you if you have any concerns.

Living in a Rental Unit

If you have complaints while you are living in an apartment or house, make them in writing to your landlord and keep a copy for your records. If the problem continues, consult an attorney, New Hampshire Legal Assistance, or the Lawyer Referral Service of the New Hampshire Bar Association. Although a tenant may withhold rent if the landlord does not maintain the apartment or house as required by law, an attorney should be consulted before taking this step. Failure to pay rent can be grounds for eviction, and if you withhold rent payments when it is not appropriate, you may find yourself without a residence.

Moving Out

When you move out of an apartment, you must give the landlord appropriate notice of at least thirty (30) days, unless otherwise specified in your lease agreement. Make sure that when you move out, you clean the premises and remove trash so that the landlord cannot claim damages for cleaning. In addition, make a list of the conditions when you leave and have a friend go through the apartment just before you move out in case you need a witness in court. It may also be prudent to have the landlord accompany you on this walk-through. This also may be a good time to take more photographs or videos, so that you will have documentation of the condition of the apartment when you move out.

Obviously, this should be done after your household effects have been moved out. Otherwise, the landlord may be able to claim that you caused damage to the premises after you took the photographs or videos.

An important consideration is the future reference from your existing landlord. More likely than not, you will need a good reference from your existing landlord when you rent another apartment or house, or for other credit purposes. How you end your tenancy will affect the reference given by your landlord.

When you move out, if you have complied with the terms of the lease agreement and given proper notice, the landlord has 30 days to return your full security deposit, with any interest owed, or to return your deposit minus the amount deducted for damages or unpaid rent. If money is deducted for damages, the landlord also must give you an itemized list of the damages, with copies of invoices or bills for the repairs. You are required to give your landlord your forwarding address, so that he or she can send you the security deposit.

If, within 30 days of vacating the premises, your landlord does not return your security deposit or receipts showing that repairs equaled or exceeded your security deposit, you can sue the landlord in Small Claims Court for twice the amount of the security deposit owed to you. Any deposits plus interest due on the deposit that remain unclaimed after 6 months from the termination of the tenancy shall become the property of the landlord, free and clear of any claim of the tenant, absent fraud. The landlord will have a great defense if you have not provided your forwarding address in a timely manner. The other side is that the landlord can sue you for damages if they exceed the value of your security deposit.

Eviction

The law requires a special process, which the landlord must follow, to evict a tenant. A landlord can evict you for justifiable cause including: non-payment of rent, substantial damage to the premises, violation of the lease agreement, behavior or actions that threaten the health or safety of other tenants or the landlord, or other good cause. "Other

good cause” can be a legitimate business reason and does not need to be something that you did or did not do. The step-by-step eviction process includes written notice to you and the opportunity for a Court hearing. If you are being evicted for non-payment of your rent, your landlord must give you at least 7 days to make a payment of the amount owed, after serving you with a written demand. Payment of that amount within the 7 days will prevent your landlord from completing the eviction process. Even if you pay after the 7-day period, the landlord will still be able to evict you for non-payment of rent.

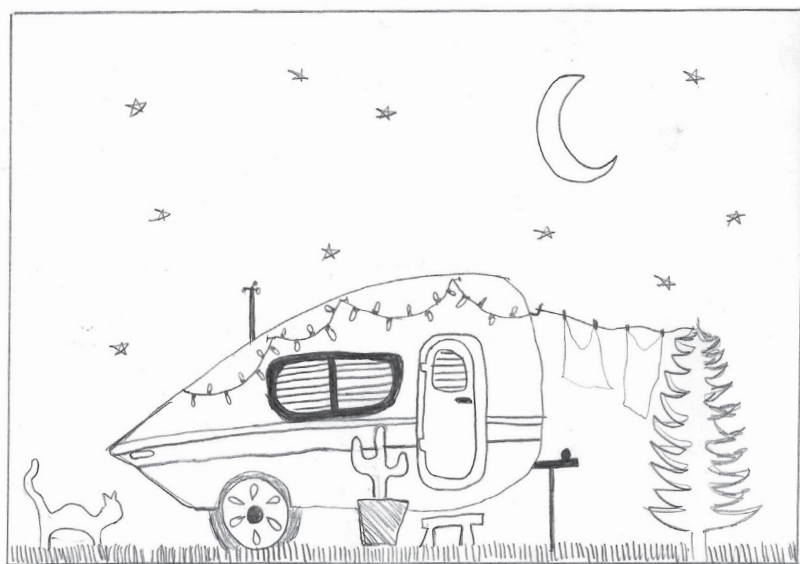
The eviction process requires your landlord to go to Court and obtain a “Writ of Possession” in order to evict you. Then, and only then, the Court can direct the sheriff to remove you from the space or lock you out of your apartment or house. It is illegal for your landlord to try to evict you by breaking into your home, moving your belongings, locking you out of your home, or turning off your utilities. If you need help with an eviction, contact an attorney at the New Hampshire Legal Assistance or the Lawyer Referral Service of the New Hampshire Bar Association.

Mobile Home Parks – Your Rights as a Tenant

A mobile park owner cannot charge a tenant an “entrance fee” just for moving into a mobile home park. A new tenant, however, may have to pay for services to be connected, such as water, sewer, and electricity. There are laws about the amount of fees for services and the amount of security or damage deposit. With limited exception, the park owner cannot make tenants buy their mobile homes from the park owner. The park owner also cannot require any tenant to purchase any goods or services from any particular person or company.

All park rules, regulations, and conditions of renting must be in writing and given to each tenant, and a summary of your rights must be posted. Park rules must be reasonable in order to be legal and enforceable.

The law requires a special process, which park owners must follow, to evict a tenant. Written notice must be given to the tenant with an opportunity for a court hearing. For an eviction to be legal, it must



Art credit: Sophie Pinciario

be ordered by the court. If you need help with an eviction, contact an attorney, the New Hampshire Legal Assistance, or the Lawyer Referral Service of the New Hampshire Bar Association.

If you live in a park, you are free to sell your mobile home in place at a price of your choosing. The park owner cannot require you or the buyer to move the home out of the park, solely because of the sale. You must, however, notify the park owner of your plan to sell, and the park owner cannot unreasonably withhold approval for a sale. If your landlord decides to sell the park, state law helps the tenants protect themselves from displacement by giving them a chance to buy the park.

At Home

Living Together and Marriage/Civil Unions

New Hampshire does not recognize “common-law” marriage. If, however, you and your partner live together, acknowledge each other as married for a period of at least 3 years, and one of you dies, the law recognizes you as having been legally married for purposes of inheritance only. If you live together without marrying and acquire property together, upon separating, either person can bring a legal action to determine who can keep the property.

Under both state and federal law, same-sex couples may marry in New Hampshire. In 2008, New Hampshire law recognized civil unions for same sex couples. In 2010, New Hampshire law recognized same-sex marriage. In 2015, the U.S. Supreme Court held that marriage is a fundamental right, that all states must honor same-sex marriages, and that all states must issue same-sex marriage licenses in *Obergefell v. Hodges* (135 S. Ct. 2584).

If you decide to get married, you should be aware of the legal effect marriage will have on your life. You must get the State’s approval before you are married or divorced. In New Hampshire, parental consent is required to get married if you are under the age of 18. In New Hampshire, you do not need a physical examination or a blood test to receive a marriage license. You and your intended spouse must file a Notice of Intention to be married in the town in which either of you lives. There is a three-day waiting period before a marriage license can be issued. After the license is issued, you have 90 days to get married before the license expires.

New Hampshire law recognizes antenuptial (also called prenuptial) agreements. These are agreements or contracts between two people about to marry that define their rights and obligations during the intended marriage, or at divorce or death. If you think you want a prenuptial agreement, you should contact an attorney.

When you marry, you can (but are not required to) choose to change your last name to your spouse’s, or the two of you can combine last



Art credit: Albert Labrie

names. If you decide to change your last name, be sure to notify the Social Security Office, the Department of Safety if you have a driver's license, and all your banks and credit card companies. And, update your passport if you have one.

All property acquired during the marriage belongs to both of you and can be divided if you get divorced, regardless of whether or not the title is in only one spouse's name. Property owned before the marriage can be taken into consideration at that time. If you have been married for more than a very few years, there is a presumption that the Court will divide the property equally, but other factors can influence the division of property.

Whether you are married or living together, it is a crime to force your spouse or partner to engage in any kind of sexual contact or activity. It is also against the law for your partner to injure you or threaten you so that you fear for your physical safety. If your partner or ex-partner,

or someone you have dated, has done any of these things to you, seek the help and protection of the police and the court. Many crisis centers throughout the State help you learn your legal options when faced with domestic violence, such as the New Hampshire Domestic Violence Hotline, and the New Hampshire Sexual Assault Hotline listed in the Resources section at the end of this book.

Children

Parental Rights and Responsibilities

If you become a parent, whether married or unmarried, you share with the other parent the rights and responsibilities for the care, custody, nurturing, companionship, and support of your children until they reach the age of majority, 18. As parents, you will make decisions about schooling, religious training, medical treatment, and all the other elements required for raising children. These are automatically your rights as a parent under New Hampshire law.

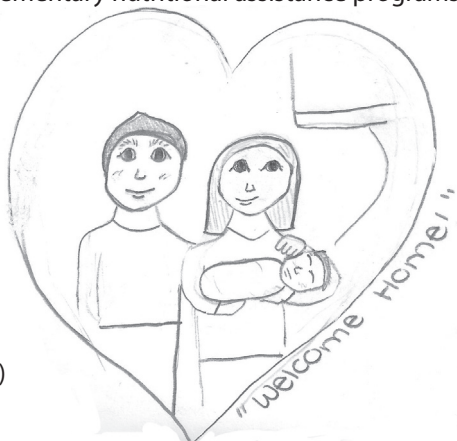
If, however, you are unmarried, a male, and the mother of your child has not acknowledged that you are the father, you may need to first establish that you are the father before you are able to exercise your rights as a parent. A paternity action may be brought in Superior Court. Blood or DNA tests will usually prove conclusively whether you are the father.

Either the father or the mother may ask the Court to step in when parents cannot agree about custody, visitation, or support issues. This is done either through a divorce action or through a petition to establish custody, support, and visitation.

Children have a right to receive financial support from a parent who is not a member of the household due to separation, divorce, or desertion. This right is called a right to child support. If you are a parent or guardian and have dependent children who are entitled to child support payments, New Hampshire's Department of Health and Human Services has a Bureau of Child Support Services that can locate an absent parent, determine paternity, establish a child support order, and/or review an order to see if it meets guideline amounts.

Child support services are available to any parent or guardian with whom the child lives. There is no charge for these services. To receive more information on these services, contact an office of the New Hampshire Department of Health and Human Services Bureau of Child Support Services (BCSS) near you.

If you have trouble providing for the needs of your child, you can seek support through local, state, or federal programs. These resources can provide you with supplementary nutritional assistance programs (formerly known as food stamps), free and reduced lunch, medical care, and other methods of support. Some organizations (like YMCAs) also offer scholarships for childcare. (See the Medical section above or the Resources section at the back of the book for more information.)



Art credit: Emalee Obyc

Termination of Parental Rights

If you fail to fulfill your responsibilities as a parent, your parental rights can be limited or even ended entirely in certain situations. The court can limit your rights where there are charges of abuse or neglect and can terminate your parental rights where extended and serious breaches of parental responsibilities have occurred. This may happen when, for example, you have abandoned, neglected, or abused your child.

Adoption

An adult does not have to be married to adopt a child. A child over the age of 12 years must agree to be adopted. In all adoptions, the biological mother and father of the child must agree to the adoption.

If the biological parents are under the age 18, the court may require legal guardians of those parents to consent to the adoption. In some cases, additional or different people are required to consent to the adoption. If you are considering adoption, you should contact an attorney.

Domestic Violence

It is against the law for your spouse/partner (whether male or female) to injure you or threaten you so that you fear for your physical safety. In addition, nobody, including a spouse or partner, can force sexual contact or relations on you against your will, or destroy or threaten to destroy your property. You should not live or stay with a person who threatens your safety in any of these ways. You have the right to live in a safe environment. If any member of your household, your spouse or ex-spouse, partner or ex-partner, or someone you have dated has done any of these things, you may seek the help and protection of the police and the court.



Art credit: Gabrielle Czerula

The District and Superior courts and the Family Division have the power to issue a domestic violence restraining order that requires an abusive person (your attacker) to stay away from you and to stop abusing you. You may ask the police to file criminal charges against the abusive individual. You do not need to file for divorce; you do not need a lawyer; you do not need to pay for any court fees in connection with getting a restraining order. If you are under 18, you do not have to be accompanied by a parent to obtain a domestic violence restraining order.

For more help, call the New Hampshire Domestic Violence Hotline and the New Hampshire Sexual Assault Hotline listed in the Resources section at the end of this book.

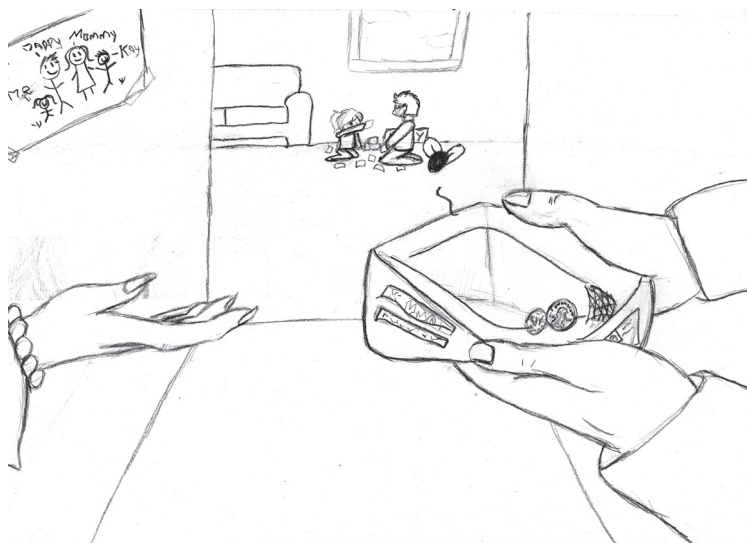
Consent

Many sections of this book reference “consent.” Consent occurs when a person knowingly and voluntarily agrees to some act. The age of consent in New Hampshire is 16 for sexual intercourse. Consent cannot be obtained from another person when that person is impaired, whether by alcohol or another substance, or due to some other mental incapacity.

Divorce and Separation

A married couple may decide to separate. If the court determines the terms of the separation, it is a legal separation. The marriage itself is not dissolved and the parties are not free to remarry. In a legal separation decree, just like in a divorce, the court may order support and custody of minor children, visitation, alimony, and division of property and debts.

Divorce is the legal end of a marriage. New Hampshire law allows for either a “no fault” or a “fault” divorce. No-fault divorce means that a divorce can be granted without proof of “fault” or “guilt” of a spouse, such as adultery or abuse. A divorce can be granted regardless of the



Art credit: Keela Chen

other spouse's objections to the divorce. Any separation or divorce proceeding must be filed in the Circuit Court, Family Division in the county where one of the parties lives. In addition to the filing fee, the cost of a divorce depends on: whether the divorce is contested, whether children are involved, how much property and/or debt is to be divided, and whether the parties can reach an agreement.

Wills

A will states how you want your property distributed after your death and nominates the guardian of your minor children if you are a parent. A will is a legal document that must comply with certain requirements to be valid. Therefore, if you wish to have a will, you should consult with an attorney. If you die without a valid will, your property will be distributed according to a formula established by law to your relatives. If there are no living relatives, your estate becomes the property of the State. Without a will, the law cannot and does not consider your particular desires or any special circumstances that may exist in your family. Therefore, it is recommended that you have a will.

Durable Power of Attorney for Health Care

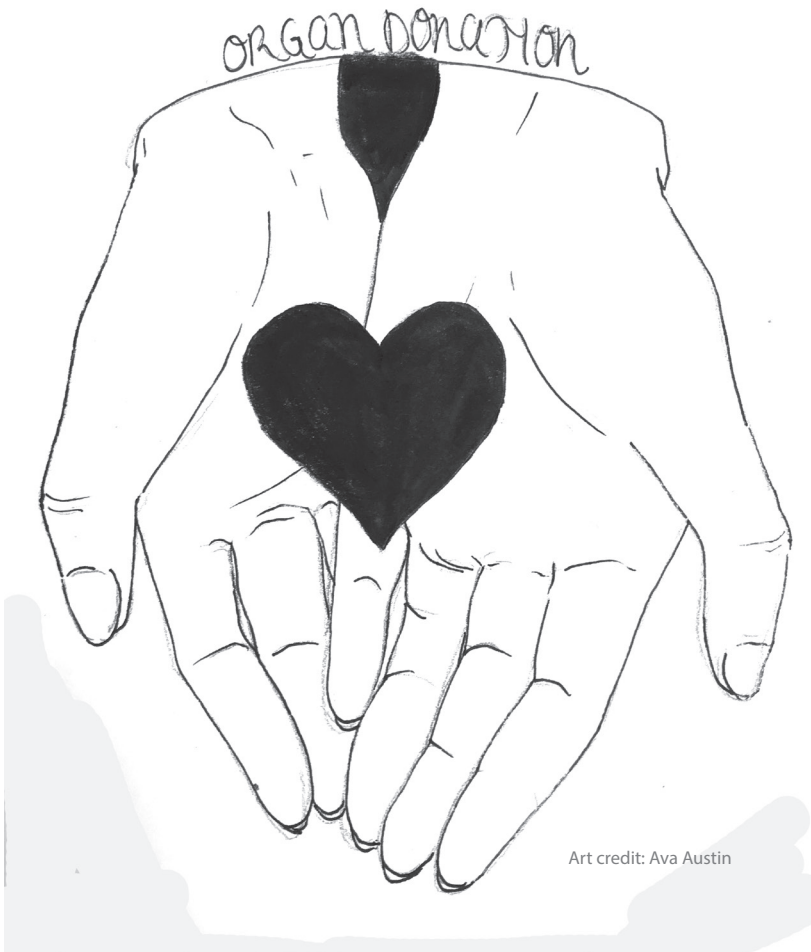
A durable power of attorney for health care document names another person to be your agent and allows that person to make health care decisions for you if you are unable to make them yourself. The New Hampshire Legislature created a durable power of attorney for health care document, and in it, you can include instructions for the types of life-sustaining treatment you want or do not want in case you become terminally ill or permanently unconscious. A disclosure statement accompanies the durable power of attorney for health care and includes important information about the durable power of attorney for health care.

Living Will

The State of New Hampshire recognizes a written health care form called a “living will.” A living will informs your family and doctors of your wishes and the type of medical treatment you want if you reach a point where you cannot make these health care decisions yourself and you are either terminally ill or permanently unconscious. Like a durable power of attorney for health care, a living will is created by preparing and signing the proper form while you are still mentally alert and competent, and the form should be signed by you in front of two witnesses and a notary public as soon as you make your decisions regarding such life-sustaining treatment. A living will is a statement by you and it serves as evidence of your wishes concerning life-sustaining treatment if you don’t have a durable power of attorney for health care or if your agent under a durable power of attorney for health care is unavailable or otherwise not able to serve.

Organ Donation

If you wish to donate any of your organs upon your death, you should include this wish in your will. You should also let your family and friends know of your wishes, and fill out an organ donor card; express your intentions on the appropriate part of your driver's license; and/or include organ donation in your instructions under your durable power of attorney for health care.



Art credit: Ava Austin

Resources

Attorney General's Office, New Hampshire Department of Justice

603-271-3658
33 Capitol Street, Concord, NH 03301

Consumer Protection Bureau

doj.nh.gov/consumer/

Consumer Protection Hotline:

1-888-468-4454 or 603-271-3641
Weekdays 9am to 3pm
DOJ-CPB@doj.nh.gov

Contact Information for the Three Credit Bureaus

- Equifax: *www.equifax.com* or 1-800-685-1111
- Experian: *www.experian.com* or 1-888-EXPERIAN (397-3742)
- TransUnion: *www.transunion.com* or 1-800-916-8800

Disabilities Rights Center

www.drcnh.org
1-800-834-1721 or 603-228-0432 Voice and TDD

Federal Trade Commission

1-877-438-4338 or *IdentityTheft.gov*

Haven

Serving men, women, and children affected by domestic
and sexual violence:

24-Hour Confidential Hotline: 603-994-7233
havennh.org

Legal Advice & Referral Center (LARC) New Hampshire Legal Aid

1-800-639-5290 or 603-224-3333

Fax: 603-224-6067

nhlegalaid.org

LawLine: Free Legal Advice

Second Wednesday of each month from 6pm - 8pm.

1-800-868-1212

nhbar.org

New Hampshire Lawyer Referral Services

603-229-0002

2 Pillsbury Street, #300, Concord, NH 03301

email: LRSreferral@nhbar.org

nhbar.org

Modest Means Legal Program

Legal services for reduced rates, based on an inability to pay.

603-715-3290 – email: modestmeans@nhbar.org

nhbar.org

National Suicide Prevention Lifeline

1-800-273-TALK (8255)

New Hampshire Bar Association

603-224-6942

2 Pillsbury Steet, #300, Concord, NH 03301

nhbar.org

New Hampshire Commission for Human Rights

603-271-2767

2 Industrial Park Dr., Concord, NH 03301

nh.gov/hrc/

New Hampshire Courts

- Circuit Court: 1-855-212-1234
- Superior Court: 1-855-212-1234
- New Hampshire Supreme Court: 603-271-2646

courts.state.nh.us

New Hampshire Department of Safety

603-271-1154

Division of Motor Vehicles

23 Hazen Drive, Concord, NH 03305

Domestic Violence Emergency (DOVE) Project

911 for emergency

DV Hotline: 1-866-644-3574

nhbar.org/legal-services-programs/dove/

New Hampshire Coalition Against Domestic & Sexual Violence

603-224-8893

DV Hotline: 1-866-644-3574

Sexual Assault Hotline: 1-800-277-5570

See website for map of NH crisis centers

nhcadsv.org

New Hampshire Employment Security Department

603-228-4100

Concord Office

45 South Fruit Street, Concord, NH 03301-2410

New Hampshire Fish & Game

Hunting & fishing licenses

wildlife.state.nh.us/licensing/

603-271-3421

11 Hazen Drive, Concord, NH 03301

New Hampshire Department of Health and Human Services Bureau of Child Support Services (BCSS)

603-271-4427

Bureau of Child Support Services (BCSS)

NH Department of Health and Human Services

129 Pleasant Street, Concord, NH 03301

New Hampshire Legal Assistance (NHLA)

Providing free or low-cost legal assistance, for civil legal matters, to those who qualify

1-800-639-5290 or 603-224-3333

Senior Law Project

1-888-353-9944

New Hampshire Sexual Assault Hotline

911 for emergency

1-800-277-5570

NH Pro Bono Referral Program

603-224-5387

nhbar.org/legal-services-programs/pro-bono

Social Security Administration

1-888-397-9798

70 Commercial Street, Concord, NH 03301

Suicide/Mental Health

- National Suicide Prevention Lifeline:
1-800-273-TALK (8255)
 - New Hampshire Headrest:
1-800-639-6095 (24 Hour Line)
14 Church Street, Lebanon, NH 03766
-

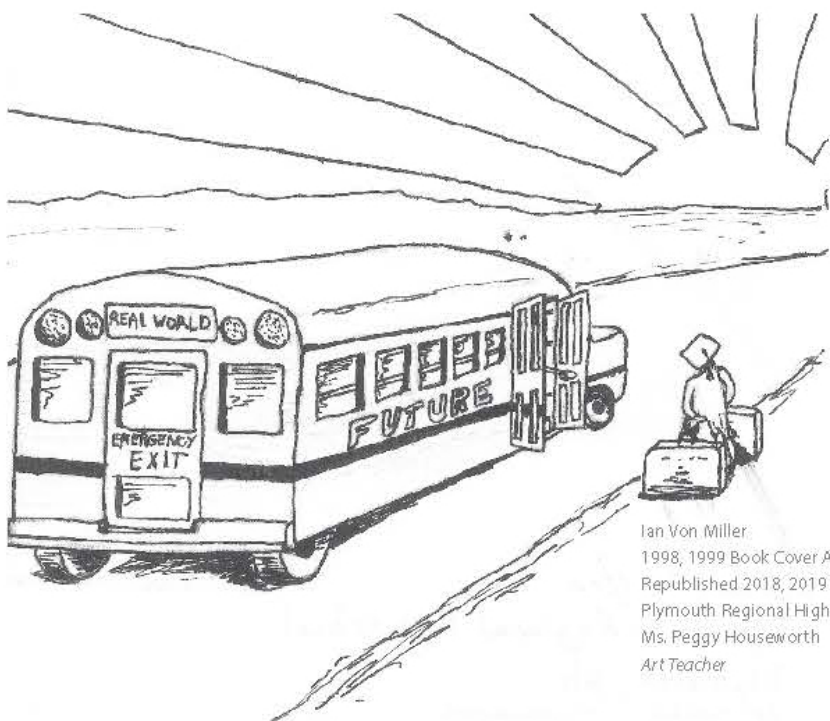
UNH School of Law, Civil Practice Clinic

Assisting clients who live in Merrimack, Belknap, Sullivan and Hillsborough counties with a variety of claims.

603-225-3350

U.S. Department of Health and Human Services' Inspector General

Medicare Fraud: 1-800-447-8477



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