



LAW FOR YOUNG ADULTS

A guide for understanding the law and how it affects young adults



Congratulations. You're 18! This is an important milestone in your life. With that comes many exciting opportunities and responsibilities: you can vote, rent your own apartment, open a credit card or buy a car—all without a parent's consent. You will be making important decisions about your life and your future! Be careful, there are long-term consequences to many decisions.

This new transition also comes with new responsibilities. You are now legally an adult, and although they may, your parents no longer have to support you. You may be responsible for paying your own income taxes. At age 18, you can even be sued, and if you commit a crime, you will not have the protection of the juvenile court; the stakes are higher and the consequence could be jail time.

As you face important decisions in the weeks and months to come, from moving out, to establishing a bank account and credit history, to working and voting, this resource will provide some guidance on the new responsibilities and consequences that apply to you. Keep in mind that laws are constantly subject to change, and if you have a specific legal problem, you may want to consult an attorney.

A handwritten signature in cursive script that reads "Carl L. Solomon".

Carl L. Solomon
2010-11 Bar President



REACHING THE AGE OF MAJORITY

The age of majority is a term used to describe when a person is legally no longer considered a child. In South Carolina, this is when a person turns 18 years old. Historically, the age of majority was set at 21 in most states. But after the 1971 ratification of the 26th Amendment to the U.S. Constitution giving 18 year-olds the right to vote in federal elections, most states, including South Carolina, lowered their age of majority to 18 (S.C. Code § 15-1-320; 42 U.S.C. § 1973bb).

At the age of majority, teenagers acquire the right to:

- Enter into binding contracts;
- Buy or sell property, including real estate and stock;
- Marry without the written consent of a parent (or guardian) and a judge;
- Sue or be sued in their names;

- Compromise, settle or arbitrate a claim;
- Make or revoke a will;
- Inherit property outright;
- Vote in state and local elections;
- Consent to all types of medical treatment;
- Join the military without parental consent; and
- Own and purchase a gun from an individual (federal law prohibits the sale of guns *by dealers and retailers* to people under 21 years old).

However, reaching the age of majority does not necessarily mean you have attained all rights and privileges of adulthood. For example, until you turn 21 years old, you may not legally purchase alcohol or alcoholic beverages; you may not apply and receive a concealed weapons permit.





GETTING AROUND

You may already have a driver's license. (You were eligible for a beginner's driver's license at age 15.) But now that you are 18, the law applies to you differently in some instances. For example, you can be employed as a driver now. On the other hand, being caught with a beer or other alcoholic beverage — whether you are in a car or far from one — could still result in the temporary loss of your driving privileges.

How does the law treat me differently now that I'm 18?

The greatest change may be that the law now holds you (not your parents) responsible for your actions. At age 18, you assume liability for your own traffic violations or accidents. It is your responsibility to know (and follow) the rules of the road described in the South Carolina Driver Handbook. When you were younger, your parents could be held legally responsible for at least some damages and financial losses caused by your actions (S.C. Code Ann. § 56-1-110).

Do I need my own car insurance?

Yes, you must carry proof of insurance (or certain other financial responsibility) when you drive (S.C. Code Ann. § 56-10-225). If you are a student, your parents may be able to keep you on their car insurance until you are 24 if they are co-owners of your car. Otherwise, you will have to get your own insurance. Also, when you buy a car, you will receive the S.C. Certificate of Title, commonly known as the "pink slip." It is a very important document that contains detailed information about the car and provides proof of ownership (S.C. Code Ann. § 56-19-290). The seller is required to sign the pink slip. The buyer must have the car titled and registered with the Department of Motor Vehicles (DMV) within 45 days (S.C. Code Ann. § 56-3-210).

It pays to shop around for automobile insurance, since rates vary widely from one insurance company to another, based in part on your age, driving record, whether you have taken a driver education course, and whether you are or were a good student.

DRIVER'S LICENSE

If I don't already have a driver's license at age 18, how do I get one?

First of all, you no longer have to meet the special requirements and restrictions that apply to younger drivers. For example, you do not have to complete formal driver's education or training to apply for a driver's license (S.C. Code Ann. §§ 56-1-50, -175). Instead, you must simply:

- Give your full name
- Pass a vision exam
- Pass a road test
- Pass a written test on traffic laws and signs
- Provide your Social Security number
- Date and place of birth
- Have your picture taken
- Fill out an application and pay a fee

(S.C. Code Ann. §§ 56-1-80(A), -90, -130(A), -140).

For more information, visit the South Carolina DMV website at www.scdmvonline.com.

Do I need a permit or license to operate a motorized scooter?

If you are 15 years old and have a beginner's permit, 15—16 years old and have a conditional driver's license, or 16 — 17 years old and have a restricted license, you must have your license with you to drive a motorized scooter and only drive during daylight hours (S.C. Code Ann. §§ 56-1-50, -175, -180).

Do bicycle riders have to follow the same traffic laws as motorists?

Yes, for the most part. Bicycle riders must stop at stop signs and red lights, ride on the proper side of the street and give the right-of-way to all pedestrians. In addition, it is illegal to ride a bike while under the influence of alcohol or drugs (S.C. Code Ann. § 56-5-3420).

Nighttime bicyclists must have a bike equipped with a lamp on the front which emits a white light visible for at least 500 feet and a red reflector on the rear (S.C. Code Ann. § 56-5-3470). Also, the number of people who can ride on a bike is limited to the number of actual seats (S.C. Code Ann. § 56-5-3440).

DRINKING AND DRIVING

What could happen if I drive after drinking a beer or two?

You would be putting yourself and others in danger. Motor vehicle crashes are the leading cause of death for 15 to 20-year-olds. And statistics show that roughly one in three young drivers killed in car crashes had been drinking alcohol beforehand. In addition, it is illegal for anyone to drive under the influence of alcohol to the extent that your ability to drive is impaired. (S.C. Code Ann. § 56-5-2930). Driving with an unlawful alcohol concentration is when the blood-alcohol concentration (BAC) is .08 or higher (S.C. Code Ann. § 56-5-2933).

If a police officer stops you for driving under the

influence, he or she can administer a breath, blood or urine test to determine your blood-alcohol level. If you refuse to take the test, you could face serious penalties. You could have your driver's license suspended for at least six months in addition to any criminal penalty if you are convicted of driving under the influence or driving with an unlawful alcohol concentration (S.C. Code Ann. §§ 56-1-286, 56-5-2950).

The higher your blood alcohol level is, the harsher the punishment will be. If you get a DUI or are convicted of driving with an unlawful blood alcohol concentration you must complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services (DAODAS) (S.C. Code Ann. §§ 56-5-2930(H), -2933(H)).

Fines for Blood Alcohol Content for Persons 21 Years or Older

Offense Number	Blood Alcohol Concentration (BAC)	Fine
1st Offense Any first offense fines can not be suspended	.08 — .10	A fine of \$400 or imprisonment for not less than 48 hours and no more than 30 days. • For any of the offenses, the court may impose instead of 48 hours in jail, 48 hours of public service employment.
	at least 0.10 but not more than 0.16	A fine of \$500 and not less than 72 hours imprisonment and no more than 30 days.
	.16 or higher	A fine of \$1,000 or not less than 30 days in jail and no more than 90 days in jail.
2nd Offense	.08 — .10	A fine of not less than \$2,100 and no more than \$5,100 and imprisonment for not less than five days nor more than one year.
	at least .10 but not more than .16	A fine of \$2,500 — \$5,500 and imprisonment for not less than 30 days and no more than 2 years.
	.16 or higher	A fine of \$3,500 — \$6,500 and imprisonment for not less than 90 days and no more than 3 years.
3rd Offense	.08 — .10	A fine of not less than \$3,800 — \$6,300 and imprisonment for not less than 60 days and no more than 3 years.
	at least .10 but not more than .16	A fine of \$5,000 — \$7,500 and imprisonment for 90 days and no more than 4 years.
	.16 or higher	A fine of \$7,500 — \$10,000 and imprisonment for 6 months to 5 years.
4th Offense	.08 — .10	Imprisonment for not less than 1 year and no more than 5 years.
	at least .10 but not more than .16	Imprisonment for 2 — 6 years.
	.16 or higher	Imprisonment for 3 — 7 years.

(S.C. Code Ann. § 56-5-2933)

Besides the monetary penalties and jail time, you will lose your license for a period of time if you are found driving under the influence. The State may also install an ignition interlock device on your car (S.C. Code Ann. § 56-5-2941). Driving under the influence not only applies to alcohol, but other drugs as well (S.C. Code Ann. § 56-5-2930).

What happens if I am caught drinking?

If you are under 21 and are found guilty of attempting to purchase, consume or knowingly possess alcohol you must complete a DAODAS approved alcohol prevention education or intervention program, for a minimum of eight hours. It is also illegal to misrepresent your age in an attempt to purchase alcohol (S.C. Code Ann. § 63-19-2450).

What about subsequent DUI offenses?

See the table on the previous page.

CELL PHONES AND DRIVING

It is against the law to write, send, or read a “text-based communication” while operating a motor vehicle in South Carolina (S.C. Code Ann. § 56-5-3890(B)). Text-based communications include, but are not limited to, text messages, SMS messages, instant messages, or emails (S.C. Code Ann. § 56-5-3890(A)(2)).

You may still use your phone to make phone calls while driving, and you may write, send, or read a text or email message while behind the wheel of a car if you are (1) lawfully parked or stopped, (2) using a hands-free device, (3) summoning emergency assistance, or (4) using a separate GPS device or any GPS functions found on your phone (S.C. Code Ann. §§ 56-5-3890(C)(1-3), (6)).

Currently, texting-while-driving (sometimes referred to as “driving under the influence of an electronic device”), is punishable by a \$25-fine for a first offense, and a \$50-fine for a second offense (S.C. Code Ann. § 56-5-3890(D)(1)). However, legislators are considering increasing the fine to \$100 for a first offense, and \$300 and two points on a driver’s license for any additional offenses.

CHILD ENDANGERMENT

Drivers 18 and older may be charged with child endangerment if they have at least one passenger under the age of 16 in the car and they are (1) stopped for driving under the influence (S.C. Code Ann. §§ 56-5-2930, 2933, 2945) or (2) fail to stop when signaled by law enforcement (S.C. Code Ann. § 56-5-750). If you are convicted of child endangerment, you may face fines and possible jail time (S.C. Code Ann. § 56-5-2947).

LAWS THAT YOUNG DRIVERS SHOULD KNOW

Alteration of a driver’s license: It is unlawful to alter a driver’s license or to provide your driver’s license to someone else (S.C. Code Ann. §§ 56-1-510(2), -515). If you do so, you may be charged with a misdemeanor.

Driving without a license: You must have your driver’s license with you at all times when you drive. Any violation while driving will be entered into the DMV’s database for a period of ten years (S.C. Code Ann. § 56-1-1340). It is a misdemeanor to drive without a valid driver’s license in South Carolina (S.C. Code Ann. § 56-1-440).

Littering and throwing objects at or from a vehicle: South Carolina law makes it a misdemeanor to throw anything at or from a moving vehicle. The law also prohibits littering, including throwing cigarettes, from a motor vehicle. The penalties for doing so range from a \$200 fine to a \$1,000 fine, an order to pick up litter and possible jail time (S.C. Code Ann. § 16-11-700).

Loud horns: Think twice before misusing your horn while on the road. Such noise could lead to a ticket or even, in some instances, misdemeanor charges (S.C. Code Ann. § 56-5-4950). Generally, your car horn should only be used as a warning “when reasonably necessary to insure safe operation” of the car or as a theft alarm system (S.C. Code Ann. § 56-5-4960).

Obscuring your license plate: License plates must be attached to the rear of the vehicle in plain sight at all times. No tinted covers, specialized lighting or other

obstructions may be placed around a license plate. It is a misdemeanor to violate this provision (S.C. Code Ann. § 56-3-1240).

Reckless driving: South Carolina law prohibits driving a vehicle in willful or wanton disregard for the safety of others or property. A reckless driving conviction is punished by a fine or jail time. Second and subsequent reckless driving convictions will also result in the loss of your driver's license (S.C. Code Ann. § 56-5-2920).

Seat belts/child passenger restraints: It is illegal to operate a motor vehicle unless the driver and all passengers are properly restrained by safety belts (S.C. Code Ann. §§ 56-5-6520, 65-5-6540). Violators can be fined. Children must be secured in federally approved safety seats until they are either six years old or weigh 80 pounds. Children must also sit in a back seat, if there is one, unless all rear seats are already occupied by children under six. Children who are under a year old or weigh less than 20 pounds must be properly secured in a rear-facing child safety seat. Children age one through six and 20 to 40 pounds must be properly secured in a forward-facing child safety seat. Children age one through six and 40 to 80 pounds must be in a belt-positioning booster seat (S.C. Code Ann. § 56-5-6410). It is also recommended that children under age eight, who are less than four feet, nine inches tall, be strapped into booster seats. For more information, go to www.nhtsa.gov.

Speed contests: Speed contests are against the law (S.C. Code Ann. § 56-5-1590). A person found guilty of car racing may be fined or imprisoned or both and the driver's license will be suspended for one year. If you allow someone else race your car, you may be found guilty of racing and can be fined or imprisoned or both and can lose your license for three months (S.C. Code Ann. §§ 56-5-1600, -1620).

Speed Limits: Speed limits are those posted on traffic signs. If no limit is posted, the maximum speeds are 70 mph on interstate highways, 60 mph on multilane divided primary highways, 55 mph in other locations or on other sections of highways, 40 mph on unpaved roads, and 30 mph in an urban district (S.C. Code Ann.

§ 56-5-1520).

Regardless of what speed limit is posted, you always have to obey the basic rule: you may drive only as fast as is safe under the prevailing conditions. During heavy rain, snow, fog, or other bad conditions, you may be pulled over and fined for imprudent driving even if you were not going faster than the posted speed limit (S.C. Code Ann. § 56-5-1520).

Finally, driving over the speed limit is a misdemeanor. Driving over 25 mph over the posted speed limit is punishable by jail time and a fine (S.C. Code Ann. § 56-5-1520(G)).

DRIVING POINT SYSTEM

Dangerous drivers are tracked through a points system within the state of South Carolina. You can accumulate points on your driving record for a variety of driving offenses.

If you have a regular license and six or more points on your record, the DMV will send a letter asking you to drive more responsibly and pointing out the consequences of continued bad driving.

Points against your driving record are costly in numerous ways. Your auto insurance rates will increase with each offense and reinstatement fees are hefty. Because your driving record is accessible to employers, a bad record could affect your employment.

Drivers who keep their records clean and do not accumulate points are rewarded with discounts on their auto insurance premiums.

When your point total reaches more than twelve, the DMV may suspend your driver's license (S.C. Code Ann. § 56-1-740(A)). If your driver's license is suspended, the state requires you to surrender your license to the DMV within a certain time period, or you may face hefty fines and possible jail time (S.C. Code Ann. §§ 56-1-350, -810).

The length of time your license may be suspended depends on the number of points you have accumulated:

- 12 to 15 points: suspended for three months
- 16 or 17 points: suspended for four months
- 18 or 19 points: suspended for five months
- 20 or more points: suspended for six months (S.C. Code Ann. § 56-1-740).

Driver’s License Points: There are some important driver’s license point values to consider: (S.C. Code Ann. § 56-1-720).

Reckless Driving.....	6 points
Passing a stopped school bus.....	6 points
Speeding 10 mph over the limit or less.....	2 points
10 mph – 25 mph over the limit.....	4 points
More than 25 mph over.....	6 points
Following too closely.....	4 points
Having lights out.....	2 points
Ignoring a traffic sign or light.....	4 points
Example: Running a stop sign	
Not signaling a turn.....	4 points

No points are imposed for a warning ticket (S.C. Code Ann. § 56-1-730). Any driver with a beginner’s permit, conditional license or special restricted license who gets six points on his or her license will have it suspended (S.C. Code Ann. § 56-1-185(B)). A driver with twelve points or more on his or her regular license will have their license suspended for up to six months (S.C. Code Ann. § 56-1-740(A)).

Reducing Points: A driver can take a defensive driving course and have four of his or her points removed from his license. A driver may only do this once every three years (S.C. Code Ann. § 56-1-770).

Determining Your Points: Any points received in the last year count for their full value. Any points received in the last two years will count for one half of their full value. (For example, a four-point ticket would automatically reduce two in the second year.) After two years, the points disappear from your driving record (S.C. Code Ann. § 56-1-750).

WHAT TO DO AFTER AN ACCIDENT

Even the best drivers can be in car crashes. If you are involved in one, you must stop as soon as you can without endangering traffic. If you hit an unoccupied vehicle, you must leave a note with your name and address (S.C. Code Ann. § 56-5-1240). If you hit roadside property, you must try to find the owner and give him or her your name and address (S.C. Code Ann. § 56-5-1250). If someone is injured, you must offer assistance, and call emergency services and police (S.C.

Code Ann. §§ 56-5-1230).

In South Carolina, you must stop after any accident in which someone is injured or another person’s property is damaged (S.C. Code Ann. § 56-5-1240, -1260). You also must exchange names, addresses, driver’s licenses, vehicle licenses, insurance information and other relevant information. It is always advisable to call the police whenever a traffic accident occurs (S.C. Code Ann. §§ 56-5-1210, -1240, -1260).

Car Crashes

If the crash results in death or injury to anyone, you must immediately report it to the nearest law enforcement agency (S.C. Code Ann. § 56-5-1270). If you do not report the accident to law enforcement, you must file a report and verification of liability insurance with the DMV within 15 days. This must also be done if you did not report an accident that appears to have caused \$1,000 or more in property damage (S.C. Code Ann. § 56-5-1270).

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

BUYING A NEW CAR AND RELATED INFORMATION

Buying a New Car

If you don’t already have a car, you probably want one. While a new car would be nice, at today’s prices it’s probably out of the question. But if you’re lucky enough to have the cash or your lottery ticket just paid off, consider this advice before you jump into the driver’s seat.

What type of car do you want?

What do you need? What can you afford? Be sure to research your choices by reviewing magazines such as *Consumer Reports* and search the internet for evaluations. Compare prices between two or more dealers who sell the same type of cars.

Remember, the sticker price you see on the win-

dow of the car is only the manufacturer's suggested retail price. You may not have to pay that much. Car dealers expect you to bargain with them!

Magazines such as *Consumer Reports* and some websites can tell you approximately what dealers pay for each make and model car, which will show you how much room you have to bargain.

Compare warranties

Most new cars come with at least a 36-month or 36,000-mile warranty, but some have generous warranties. Most warranties at least cover engine, power train, and rust corrosion. Some warranties may cover more. Others offer virtually free maintenance for the first several years. These differences are important, as maintenance and repair costs can be significant over time.

Consider financing options

Car dealers offer special low-interest financing from time to time, which can be a much cheaper way to finance the car than what you can get from a bank or credit union. Compare before you decide where to borrow.

Buy only the options you want

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

CAR REPAIRS

Dealing with New Car Problems

A problem with your new car can be one of the most distressing consumer problems you're likely to experience. Don't despair! When a new car does not meet the express warranties within the first 12 months of ownership or the first 12,000 miles (whichever is earlier), the owner may notify the manufacturer of the problems and the manufacturer must fix the problems, at no cost to the consumer (S.C. Code Ann. §§ 56-28-30, -110). This is often referred to as South Carolina's "Lemon Law."

If the manufacturer is unable to make the repairs, the manufacturer must replace the vehicle with a

comparable vehicle or accept the vehicle's return and refund the full purchase price, including any taxes or other applicable fees. However, the consumer is not entitled to a refund or replacement if:

- (1) The problems do not substantially impair the use, market value, or safety of the motor vehicle.
- (2) The nonconformity is the result of abuse, neglect, or modification or alteration of the motor vehicle by the consumer (S.C. Code Ann. § 56-28-40).

Information on this program must be provided by the manufacturer when you purchase a new vehicle (S.C. Code Ann. § 56-28-50(B)). If you do not receive it, contact the South Carolina Department of Consumer Affairs. You cannot sign away any rights you have under the Lemon Law. Even if your written warranty has run out, you still may have rights. Talk to the dealer and try to work things out. Your problem may be quickly solved.

For further advice on what to do with a possible new-car lemon, contact the South Carolina Department of Consumer Affairs (1-803-734-4200).

Don't Get Abused When You Buy Used!

Used cars can be great deals, but they can also be the biggest headaches in the world. You never really know what you're getting: how the car was driven and maintained, and where it was kept. But with a little checking—and using your rights under South Carolina law—you can eliminate a lot of the unknowns about a used car you're thinking of buying.

You have three basic rights when you buy a used car from a used car dealer:

1. The right to know about the car's past.
2. The right to a safe car.
3. The right to know how far the car has traveled.

All used cars sold for transportation purposes by dealers are required by law to have on their window a sticker that states:

- The car's make, model, year and vehicle identification number.
- Whether the car is covered by an implied warranty or is sold "as is."
- That spoken promises are difficult to enforce.

- To get all promises in writing.
- The major mechanical and electrical systems on the car, including some of the major problems you should look out for.
- To ask to have the car inspected by an independent mechanic before you buy.
- The name and address of the dealership and the name and number of the person you should contact with any complaints.

www.consumer.ftc.gov/articles/0055-buying-used-car

Don't be afraid to ask the dealer for more details, but remember to get any promises in writing. Obtain a car history report and learn as much about the car as you can.

Some used cars come with warranties that may be transferred to you from the car's previous owner. You should check with the dealer or previous owner to see if there is a warranty that can be transferred to you. The warranty you get with a used car is often very different from what you would get with a new car. In fact, a used-car dealer is required to furnish a written statement containing the warranty of inspection and any other warranty that may be extended or agreed to.



MOVING OUT

Renting your first apartment or house is one of the biggest events for a young adult. You should know your rights and responsibilities if you plan to rent. The person who rents property out to the public is called the “landlord.” The person who rents property from the landlord is called the “tenant.”

Do I have to sign a written rental agreement?

Not necessarily. Some landlords will require you to sign a written rental agreement (lease) while others will not. As noted below, a written agreement is always the best means of ensuring that both you and the landlord know what to expect from one another. South Carolina has a form lease agreement that is a great starting point.

Must the agreement be written to be legally binding/enforceable?

Not unless the agreement term is for more than one year (S.C. Code Ann. §§ 27-35-10, 20).

What are the advantages of putting it in writing?

- To provide a better idea of your rights and responsibilities;
- You and your landlord are more likely to be on the same page as far as rights and responsibilities of each of you;
- Protection against poor memory as to the terms; and
- Protection against changing one’s mind or looking for a better “deal”.

Many landlords will use printed form agreements. Be aware that you don’t have to use the forms and that if you do use the forms, you can make modifications to fit your situation as long as you and the landlord both agree to the modifications.

If any of the provisions in the agreement cause you to give up a legal right, those provisions would be unenforceable (S.C. Code Ann. §§ 27-40-310, -330).

What is a security deposit?

Money you deposit with the landlord held in trust by the landlord to secure: the performance of the terms of the lease agreement; against property damages beyond reasonable and normal wear and tear; and payment of any unpaid rent (S.C. Code Ann. § 27-40-210).

Will I get my security deposit back?

The landlord must return your security deposit less any amount withheld by the landlord for unpaid rent and any damages to the property beyond reasonable normal wear and tear. The landlord must provide a written itemized notice to the tenant (person renting the apartment or house) explaining why and how much the landlord kept along with a refund of any remaining amount within 30 days after termination of the lease (S.C. Code Ann. § 27-40-410).

It is your responsibility to provide the landlord with your new or forwarding address so that the landlord can return the statement and any remaining deposit to you (S.C. Code Ann. § 27-40-410).

What if I don’t pay my rent on time?

If you don’t pay the rent when it is due, your landlord can give you a written notice to pay the rent owed within five days of the due date. If you don’t pay within the five days, the landlord may go to court to have you evicted.

Your landlord only has to provide this written notice one time during the term of your lease. Your landlord is also allowed to provide this notice in your written rental agreement at the beginning of your lease as long as it is written in an obvious way, such as bold or larger font (S.C. Code Ann. § 27-40-710).

Can my landlord evict me?

It depends on the reason. Did you pay your rent on time? Have you violated your agreement? Do you have a written agreement for a specific term or is it month-to-month? If you find yourself in this situation, you may want to seek advice from an attorney. Be sure to provide your rental agreement and any eviction papers you may have received (S.C. Code Ann. § 27-37-10).

What is an eviction?

The term “eviction” refers to the process of removing a tenant from the rental property. The landlord must have a legal basis for evicting the tenant such as unlawful holdover (staying beyond the agreed upon term), failure to pay rent when due, or violating other terms of the lease (S.C. Code Ann. § 27-37-10).

The landlord must follow the legal process by applying

to the magistrate's court. The court will then cause notice of the process to be served on the tenant, which allows the tenant an opportunity to contact the court within 10 days to explain why he/she should not be evicted (S.C. Code Ann. § 27-37-40). Either party may demand a jury trial regarding the eviction (S.C. Code Ann. § 27-37-60).

If the court (judge or jury) finds the landlord has a legal basis for the eviction and that the tenant has not shown a good reason for his/her actions or inactions, then the court will order the tenant to vacate the rental property, either on his/her own or by force of the law (S.C. Code Ann. § 27-37-40).

What if I ignore the notice or do not respond within the ten days to explain why I should not be evicted?

The court can order a Writ of Ejectment ordering the tenant to vacate the premises or be forcibly removed by the appropriate authorities (S.C. Code Ann. § 27-37-40).

Can my landlord enter my apartment without asking me?

Yes, but only in an emergency or unusual situations.

Other than that, the landlord may enter:

- Between 9:00 a.m. and 6:00 p.m. to provide regularly scheduled services (like changing air-conditioning filters, pest treatment, etc.) as long as the landlord lets you know in the lease.
- Between 8:00 a.m. and 8:00 p.m. to provide services you requested as long as the landlord lets you know that is why he or she is entering your apartment or house (S.C. Code Ann. § 27-40-530).

Does my landlord have to keep my apartment in good condition?

Your landlord must:

- Comply with all building/housing codes related to health and safety;
- Keep the premises in a fit and habitable condition;
- Provide running water and reasonable amounts of hot water at all times; and
- Keep electrical, gas, plumbing, heating, air conditioning and other services and appliances supplied by the landlord in reasonably good and safe working order (S.C. Code Ann. § 27-40-440).

Can I make repairs and deduct the cost from my rent?

No. You need to give written notice to the landlord listing specifically which items need to be repaired. You also need to state in the written notice that if the repairs are not made, the rental agreement will terminate after the 14th day of the landlord receiving the notice of the repairs and failing to make the repairs. Remember, however, the repairs can only be of the type for items that the landlord is required to maintain as previously described. Also, you may not terminate for lack of repairs if the condition was caused by you, your family or a guest (S.C. Code Ann. § 27-40-610).

What about if my landlord fails to provide heat or hot water?

Your landlord must provide "essential services" defined by law as sanitary plumbing or sewer services; electricity; gas (if used for heat, hot water or cooking); running water; and reasonable amounts of hot water and heat (except where the hot water and heat are in exclusive control of the tenant and supplied by a direct public utility connection, i.e., you get the bill and are responsible) (S.C. Code Ann. §§ 27-40-210(17), -440).

If the landlord is negligent or intentionally does not provide the essential services, you may give a written notice to the landlord. If the landlord fails to remedy the problem after a reasonable time, you may acquire reasonable amounts of the service during the period that the landlord is not providing the services and deduct the actual cost from the rent, or recover damages based on the decreased fair-market rental value of the unit due to the lack of services, in addition to your attorney's fees incurred to recoup your damages. Damages could include cost to purchase fuel or cost to live somewhere else temporarily due to lack of heat, etc. You are still not authorized to make repairs and, remember, you must give notice to your landlord about the lack of services. However, if you or someone in your household, or an invited guest causes the damage or interruption of essential services, then you do not have the right to seek an offset of rent, or recover damages for the lack of services (S.C. Code Ann. § 27-40-630).

Can a landlord lock me out or turn off my utilities?

No. A landlord cannot keep you out of your rented unit, and cannot willfully interfere with, or interrupt essential services. If a landlord wants to terminate the agreement, he/she must do so as described in the various circumstances above. If a landlord unlawfully locks you out of your rented unit or turns off your utilities, you may bring a legal action for possession or terminate the agreement, and sue for three months' rent or two times the actual damages plus attorney's fees (S.C. Code Ann. § 27-40-660).

If I agreed to rent month-to-month, do I need to let my landlord know I am moving?

Yes. Even with a month-to-month agreement, you must let your landlord know, in writing, 30 days before you plan to move (S.C. Code Ann. § 27-40-770).

What happens if I need to move before the end of my written lease term?

You should talk to your landlord and explain the situation. Your landlord may be willing to work with you. However, if the landlord won't work with you, and you move without paying, the landlord may sue you and could be responsible for:

- Unpaid rent;
- Physical damage to the building;
- Costs and expenses to the landlord to get the apartment rented to another tenant; and
- The landlord's attorney's fees (S.C. Code Ann. § 27-40-750).

Can my landlord raise my rent without notice?

If you have a written residential rental agreement, the terms stated are effective for the time period stated, as long as the terms are not unconscionable (S.C. Code Ann. § 27-40-230).

If you are a month-to-month tenant, the landlord can give you a 30-day notice to vacate without any reason whatsoever, including his/her desire to raise the rent.

If the landlord wants to raise the rent and desires to keep you as a tenant, you may agree to pay the increased rent after you have been given notice, or you may decline and vacate pursuant to your landlord's 30 day notice (S.C. Code Ann. § 27-40-770).

Is it legal for a landlord to refuse to rent to me because of race or disability?

No. It is against the law to discriminate in renting, leasing or selling housing on the basis of race, color, religion, sex, familial status, or national origin. "Familial status" means that a landlord or seller of property cannot discriminate based on whether or not someone has children or may be expecting children (S.C. Code § 31-21-40).

Can my landlord change the rules, or make new policies, during my lease term?

Yes. From time to time, a landlord may adopt rules or regulations concerning the property and tenant's use of the property. These new rules and regulations are enforceable only if: 1) they are promulgated to promote the safety, convenience, or welfare of the tenants, or preserve the landlord's property from abusive use, or to distribute services provided by the landlord in a fair manner; 2) they are reasonably related to the purpose for which they were adopted; 3) they apply to all tenants in a fair manner; 4) they are explicit enough so that the tenant is aware of what conduct is required, or prohibited, to be in compliance with the new rules; and 5) they are not enacted for the purpose of evading the landlord's obligations. However, if the new rules or regulations substantially change your rental agreement, and after receiving notice of your right to object, you may object to the policy changes **in writing** within thirty days, and they will not be enforceable against you (S.C. Code § 27-40-520).

MOBILE HOME PARKS:

Your Rights as a Tenant

There are specific rules, responsibilities and rights if you own a mobile home and rent a lot in a mobile home park. These rules apply if the park has five or more lots offered for rent or lease (S.C. Code Ann. § 27-47-120).

Does the rental agreement have to be in writing?

Yes. The owner of the park must provide a written agreement which must at least state:

- Duration of the lease (S.C. Code Ann. § 27-47-310(B));
- The location and approximate size of the lot;

- The amount of the monthly rent and date it is due;
- Where the rent is to be paid;
- Personal property, services, and facilities provided by the owner;
- Regulations which, if violated, may be cause for eviction;
- A statement of all amounts to be paid by the resident such as security deposit, service fees and installation charges;
- Improvements, if any, the resident may make (except landscaping);
- Improvements, if any, required to be made by the resident;
- Any restrictions regarding pets, children, number of occupants and vehicle storage; and
- Notice required to exercise an option to renew or terminate the tenancy.

(S.C. Code Ann. § 27-47-310(D)).

Can the owner raise my rent after the original tenancy expires?

Yes. If the tenant is going to continue beyond the original term, the owner must give the resident notice of the new rate at least 30 days in advance of the effective date of the new rate (S.C. Code Ann. § 27-47-420).

What if I don't want to accept the new rate?

You must give written notice to the owner within 30 days of receiving the notice of new rate regardless of whether you wish to stay at the higher rate or vacate (S.C. Code Ann. § 27-47-510).

Are there certain rules I have to follow?

Yes. The law requires that the resident:

- Comply with building, housing and health codes;
- Keep the home lot clean;
- Comply with regulations and rental agreement and require persons in the park with the resident's consent to keep from disturbing other residents or violating the rental agreement;
- Keep the rent current; and
- Give notice of intent to continue or not after receiving notice of new rent rate

(S.C. Code Ann. § 27-47-510).

Can I get my security deposit back?

Yes. The owner must return your security deposit less any amounts withheld by the owner for unpaid rent or damages due to noncompliance with the rules described above. The deductions must be itemized in a written notice to the resident within 30 days after termination of the tenancy. You must provide a forwarding address (S.C. Code Ann. § 27-47-520).

What reasons would cause me to be evicted?

- Not complying with local, state or federal laws governing manufactured homes after receiving notice and a reasonable opportunity to remedy the violation;
- Engaging in repeated conduct that disturbs others in the park;
- Failing to comply with the terms of the rental agreement or park regulations and failing to remedy the violation within 14 days after receiving written notice by the owner;
- Not paying rent within five days of when it is due;
- Failing to comply with a law or provision in the rental agreement or park regulations affecting the health, safety or welfare of other residents or affecting the physical condition of the park;
- Intentionally making a false or misleading statement in the rental agreement or application; and
- Other reasons sufficient under common law (i.e., illegal or tortious activity).

(S.C. Code Ann. § 27-37-530).

If I am evicted, how long do I have to remove my mobile home?

The Writ of Ejectment is not to be issued until 10 days after a magistrate rules that the resident is to be evicted except where the reason for the eviction was for violation of a law or provision affecting the health, safety or welfare of other residents in the park or affecting the physical condition of the park (S.C. Code Ann. § 27-37-530).

What if I do not remove my mobile home after being evicted?

If you do not move the mobile home within 20 days after being evicted, the lot owner may start legal procedures to sell the mobile home in a commercially reasonable

sale at a public auction (S.C. Code Ann. § 27-47-530). You can still move the home any time before the sale, but you must pay for any cost the lot owner incurred for court filing fees and advertisement of the sale.

Do these provisions apply if I am renting both the mobile home and the lot?

No. The regular landlord tenant provisions discussed in the Moving Out section apply (S.C. Code Ann. § 27-47-120).



HAVING FUN

You have graduated from high school and are off to college or visiting with friends on a college campus. You must remember that you will not be sent to principal's office for breaking the campus rules. Depending upon the behavior you could actually end up in jail and be subjected to criminal fines. It is perfectly normal to attend parties and want to have a good time, but your good time must not interfere with others' property or right to peaceful enjoyment thereof.

When would a party be disruptive enough to illegally disturb the peace?

Partygoers could be charged with public disorderly conduct if they are:

- Grossly intoxicated on any highway or at any public place or gathering or otherwise conducting themselves in a disorderly or boisterous manner;
- Using obscene or profane language on any highway or at any public place or gathering or within hearing distance of a school or church; or
- Intoxicated or pretending to be intoxicated and fire a gun, without just cause or excuse, while on or within 50 yards of any public road or highway, except on their own property.

Public disorderly conduct is a misdemeanor punishable by up to 30 days in jail or a fine of not more than \$100 (S.C. Code Ann. § 16-17-530).

Keep in mind that counties have their own noise ordinances, which dictate the volumes and hours of the day loud music may be played.

What can I do if strangers "crash" my party?

You can ask police to kick them out. A person who enters the premises of another and refuses to leave upon request is trespassing and can be imprisoned for up to 30 days or fined up to \$200 (S.C. Code Ann. § 16-11-620).

I'm worried about what might happen during my college fraternity initiation. Are there limits to what they can do?

Yes. In South Carolina, it is against the law for any initiation or pre-initiation into a student organization to involve hazing. Hazing is an act that has a foreseeable potential for causing physical harm to a person for the

purpose of initiation or admission into a student organization (S.C. Code Ann. § 16-3-510). It is also unlawful to assist in hazing or to witness hazing and fail to report it (S.C. Code Ann. § 16-3-520). A person found guilty of hazing can be fined up to \$500 and imprisoned for up to 12 months (S.C. Code Ann. § 16-3-530).

What could happen if I'm arrested for spray-painting graffiti?

Graffiti is illegal without the property owner's consent in South Carolina. A first time offender can be fined up to \$1,000 and can be imprisoned for 30 – 90 days. The penalty increases to \$2,500 or one year for a second offense and \$3,000 or three years for a third or subsequent offence. You can also be ordered to remove the illegal graffiti, pay the cost of removal or make further restitution in the discretion of the court (S.C. Code Ann. § 16-11-770).

Do I need a special license to operate a motorboat?

No; however, all South Carolina boat operators under age 16 must complete a boating course approved by the South Carolina Department of Natural Resources to operate a boat or personal watercraft with a 15 horsepower motor or greater, unless accompanied by an adult age 18 years or older (S.C. Code Ann. § 50-21-870).

Additionally, watercrafts propelled by any mechanized means must be registered in addition to being titled in the owner's name (S.C. Code Ann. § 50-23-310).

If you cause an accident on the waterway, there may be fines and penalties associated with the accident. As with motor vehicles, it is illegal to operate a motorboat under the influence of drugs and/or alcohol.

Do I need a special license to hunt and fish?

Yes; in South Carolina, individuals over the age of 16 are required to have a hunting or fishing license in order to engage in that activity. A license is not required for fishing in a private pond (S.C. Code Ann. §§ 50-9-510, 710).



ALCOHOL AND DRUGS

Drinking alcohol under the age of twenty-one or using any type of controlled substance without a prescription is illegal and can wreak havoc on your health and life. The non-medical use of certain painkillers, such as Vicodin, Oxycontin, and MDMA (Ecstasy) raises concerns. In addition, certain so-called “club drugs” have been associated with “date rape” in which a drug is slipped into an unsuspecting victim’s drink to pave the way for a sexual assault (see the section Sex and the Law).

Am I allowed to possess any type of alcoholic beverage prior to age twenty-one?

No. It is unlawful for you to possess any type of alcoholic beverage or liquor if you are not at least twenty-one years of age (S.C. Code Ann. § 63-19-2440). It is also unlawful for anyone other than your parents (in their own home) to provide you with alcohol if you are not at least twenty-one (S.C. Code Ann § 61-4-90). If your blood alcohol concentration is found to be two one-hundredths of a percent or more while driving a vehicle your privilege to drive will be suspended (S.C. Code Ann. § 56-1-286).

What if someone gives me alcohol in their home?

“An adult social host who knowingly and intentionally serves . . . an alcoholic beverage to a person he knows or reasonably should know is between the ages of 18 and 20 is liable to the person served and to any other person for damages proximately resulting from the host’s service of alcohol.” *Marcum v. Bowden*, 372 S.C. 452 (2007) citing *Barnes v. Cohen Dry Wall, Inc.*, 357 S.C. 280, 592 S.E.2d 311 (Ct. App. 2003).

What happens to people who provide alcohol to people under twenty-one?

It is unlawful for a person to give someone under the age of twenty-one years beer, wine or other alcoholic beverages. If convicted, the person could be imprisoned for up to thirty days. This does not apply to a spouse over twenty-one years old giving alcohol to a spouse under the age of twenty-one in their home or a parent over twenty-one years old giving alcohol to a child in their home (SC Code Ann. §§ 61-4-90, 61-6-4070).

Can I get in trouble for using a fake ID?

It is unlawful to use, sell or alter a state identification

card in order to violate a law or defraud another person. This is a misdemeanor and punishable by a fine of up to \$200 and up to thirty days in jail (S.C. Code Ann. § 56-1-3360).

What can happen if I am arrested for drug possession?

South Carolina law prohibits the possession, manufacture, distribution, dispensing, delivering or purchasing prescription (without a prescription) or illegal drugs, or aiding, attempting or conspiring to commit such acts. The penalties can be substantial if you are convicted of these offenses. The delivering, selling, or sharing even a small amount of cocaine, heroin, narcotics, or other drugs is a felony punishable, upon first offense, by imprisonment up to fifteen years and/or fines up to \$25,000. If you knowingly possess narcotics or other drugs, you are guilty of a misdemeanor and, upon first offense can be imprisoned for up to three years and/or fined up to \$5,000. Depending on the amount, possession of marijuana can result in imprisonment for up to thirty years. Possessing a small amount of cocaine carries possible imprisonment of up to three years and/or fines up to \$5,000.

Distributing a narcotic drug, LSD, or cocaine to a person under 18 years is a felony and carries imprisonment up to twenty years and/or fines up to \$30,000. If you sell these drugs within one-half mile of a school or park, you could be fined an additional \$10,000 and/or imprisoned for an additional ten years (SC Code Ann. §§ 44-53-370, -375, -440, -445).

What if I get caught with my friend’s drug paraphernalia?

It is also unlawful to be in possession of any drug paraphernalia. You may have to pay a fine of up to \$500 (S.C. Code Ann. § 44-53-391).

Is it against the law to use someone else’s drug prescription?

Yes. Obtaining or possessing prescription drugs that do not belong to you are punishable by imprisonment of up to two years for prescription drugs and up to five years and a fine of up to \$10,000 for controlled substances (S.C. Code Ann. §§ 44-53-40, 390).

SMOKING AND THE LAW

If I'm 18, is it legal to smoke?

Yes. However, it is illegal to provide tobacco products or an alternative nicotine product to anyone under the age of 18 (S.C. Code Ann. § 16-17-500(A)).

Can I smoke wherever I want?

No. By state law, smoking is not permitted in public schools, health care facilities, government buildings, elevators, public transportation vehicles, public arenas, public theaters, and public performing art centers (S.C. Code Ann. § 44-95-20). In addition, many counties and cities in South Carolina have local ordinances prohibiting smoking in other areas. For example, in Richland County smoking is prohibited in the workplace (Chapter 18 section 18 – 6 of the Richland County Code of Ordinances).

What about e-cigarettes and vaping devices?

E-cigarettes and vaping devices are used to deliver concentrated nicotine into the body (S.C. Code Ann. § 16-17-501(7)). Unlike traditional cigarettes which burn tobacco to produce nicotine, e-cigarettes use a battery-powered vaporizer to turn liquid nicotine into vapor, which is inhaled and absorbed through the lungs. This process is often referred to a “vaping.”

In South Carolina, e-cigarettes and vaping devices fall under the classification of “alternative nicotine products” (S.C. Code Ann. § 16-17-500(A)). As with traditional tobacco products, it is illegal to provide or sell e-cigarettes or vaping devices to anyone under the age of 18 (S.C. Code Ann. §§ 16-17-500(A), -502(A)). It is also illegal for anyone under the age of 18 to purchase or possess e-cigarettes (S.C. Code Ann. § 16-17-500(F)).

Can I use an e-cigarette or a vaping device wherever I want?

No. While there is currently only one state-wide restriction on vaping and e-cigarette use,¹ various localities have banned the use of e-cigarettes. Aiken, Blacksburg, Denmark, Estill, Hartsville, Inman, Mount Pleasant, Prosperity, West Pelzer, and Yemasee have indoor bans on e-cigarette use in workplaces, restaurants, and bars. Additionally, individual school districts

and businesses located in numerous South Carolina cities, towns, and counties prohibit the use of e-cigarettes and vaping devices indoors. Be sure to look for posted signs indicating whether you are allowed to use an e-cigarette or vaping devices in the area before you do so.

¹ Using an e-cigarette is prohibited in ambulances throughout the state (S.C. Code Ann. Regs. 61-7 § 601(O)).



MONEY MATTERS

Now that you're 18, you need to think seriously about financial matters. Specifically, you need to understand that some promises you make could make you responsible for financial and other commitments. As an adult, you'll be held accountable to fulfill contracts that you make. This discussion will help you understand what a contract is and what happens if you break a contract.

What is a contract?

In South Carolina, a contract is generally recognized as an agreement between two parties who each promises to perform some action. However, a contract is more than just an agreement or a promise. To be enforceable in South Carolina, a contract must begin with an offer from one party to the other. The second party must accept the offer, and both parties must agree to exchange something of value. For example, if you contract to buy a car, your promise to pay is exchanged for the seller's promise to provide a car. You've both made promises, and the agreement involves something of value (payments for a car). A contract may be written, oral, or implied by your conduct. In order to be enforceable, a contract for the sale of real estate, that will take more than one year to complete, for the sale of goods over \$500, and certain other types of contracts must be in writing (S.C. Code Ann. §§ 32-3-10, 36-2-201).

Who can make a contract?

Any person over the age of 18 who is of sound mind can make a contract. When you are considering entering into a contract, be sure you think it over carefully before you get yourself into a binding agreement. For example, you might think about the following before you enter into a contract:

- Read any written contract carefully and completely before you sign it;
- If you are confused about or disagree with anything in the contract, be sure to resolve your questions with the other party before you enter into the agreement;
- Never sign a contract with blank spaces — either fill them in or cross them out; and
- Always keep a signed copy of the contract. You might need it later to be sure that you and the other party have each fulfilled your obligations.

What happens if I break a contract?

When one party doesn't fulfill his or her responsibilities under a contract, that party is in "breach." If you don't hold up your end of the bargain, the other party could sue you for breach of contract. If that happens, you could have a judgment entered against you and you could be responsible for paying the other party for their losses due to your breach. Bear in mind that the law doesn't allow you to break a contract just because you did not understand it. If you are considering a contract and you do not fully understand everything in it, discuss it with an adult you trust before you sign or make the agreement.

BANK ACCOUNTS

What are some good questions to ask before opening a bank account?

- Is there a minimum balance on the account?
- Can I earn interest on this account?
- Is there a charge for the monthly service or for check processing?
- Is there a fee to use the automated teller machine (ATM) or to get a banking agent's assistance by phone? Is there a fee to get a banking agent's assistance in person?
- Are canceled checks returned or kept at the bank?
- Is there a fee to use online banking? What are the advantages and disadvantages to online banking?

What happens if my check bounces?

If you write a check for more than the amount you have in your checking account, the bank may handle it a couple of ways:

- You may have to pay a charge up to three times the amount of the check in penalties (S.C. Code Ann. § 34-11-75). Note: Writing a check when you don't have enough money in your account to pay it may be a crime (S.C. Code Ann. §§ 34-11-60, 90).
- Or the bank may pay the check (and require you to make a deposit to cover the difference) and charge you a fee or a penalty if you signed up for overdraft protection. Note: Banks do not have to cash checks that were dated more than six months before being presented to the bank.

How long does it take for a check to clear?

The process could be virtually instantaneous. Some merchants now use electronic check conversion. This allows the sales clerk to pass your check through a machine and immediately transfer the funds from your bank account electronically. (The actual check will be returned to you.) In addition, new laws now allow banks to process check payments electronically even before the actual check is returned to your bank for payment. Gone are the days when a check-writer could count on a delay in processing. For more information on the Check Clearing for the 21st Century Act, go to www.federalreserve.gov.

What is the difference between an ATM card and a debit card?

An Automated Teller Machine (ATM) card can be used for basic banking — to deposit funds into your bank account or withdraw money. You simply insert your card into an ATM and enter a personal identification number (PIN). If the transaction will include any surcharges or fees, you must be informed and be given an opportunity to cancel the transaction cost-free. A debit card is used to electronically transfer funds from the cardholder's account. You could use it, for example, to buy groceries at a supermarket. Be careful, however, when carrying or using a debit card. The user generally does not need a personal identification number to access your account. So, a thief could take your card shopping and empty your bank account. Many debit cards can also be used as an ATM card. If you lose your debit card or someone else uses it without authorization, however, you would not be liable for more than \$50 if you notify the debit card company within 60 days. (Truth in Lending Act — 15 USC § 1693(g)) Most banks do not hold the account holder responsible for any fraudulent activity.

CREDIT

Why not use a credit card instead of checks or cash?

There's nothing wrong with using a credit card, as long as it is you controlling the card and not the other way around. Credit cards are not the same as cash. You may have to pay annual fees and other charges to use credit cards. Unless you pay your account in full each month, you will also have to pay interest on the outstanding balance. Interest and finance charges are set by the banks and retailers that issue the cards and can vary. Make sure to read your agreement with the bank.

What should I do if I lose a credit card?

Report the loss or theft immediately to the bank or company that issued the credit card. If you report the loss promptly, you will not be held responsible for more than \$50 or unauthorized charges on the card (Truth in Lending Act — 15 USC § 1693(g)). Most banks do not hold the account holder responsible for any fraudulent activity.

What is a credit report?

A credit report is a summary of your debts and a history of how promptly you have paid your bills. The information comes from the companies where you have credit accounts, from public court records, and any collection attempts (such as unpaid cell phone charges). It is collected and stored by companies, often called credit bureaus, which make the information available to creditors whenever you apply for a loan or credit card or make a purchase through installment payments. The information appearing on your credit report can hurt or improve your credit choices. If you have bad credit, for example, you will likely pay more to obtain credit.

Under federal law, you have the right to one free credit report every 12 months from each of the three major credit-reporting agencies through www.annualcreditreport.com. Check your reports for inaccurate data that could hurt your ability to get credit or a loan. Also, incorrect information can be a red flag that someone is using your identity to get credit without your knowledge.

How long does it take to fix bad credit?

It depends on the seriousness of your past problems. The files could go back seven years (or 10 years for bank-

ruptcies). You may obtain your file to review what has been collected from your credit history. If you have been denied credit based on credit report information, you can get a free copy of the report from the credit bureau if you ask for it within 60 days. And if it contains mistakes, you have the right to ask for corrections.

What is collateral?

Collateral is an item of value that is accepted by the lender as back-up payment in case you are unable to repay your loan. If you buy a car, for example, and agree to installment payments, the car itself may be the collateral. The lender could then repossess the car if you fail to make your payments.

Can a lender have different rules for making loans to women, men or minorities?

No. It is unlawful for a creditor to discriminate against any applicant because of race, sex, or marital status. Lenders can only make distinctions based on the applicant's credit rating (Equal Credit Opportunity Act — 15 U.S.C. 1691).



SMART SHOPPING

Suppose you spent all of your savings on a new car – only to have it break down repeatedly. Or your new microwave oven failed to work the first day. Or the new watch given to you at your high school graduation has never told time. There are laws intended to help you – the consumer – protect yourself against unfair transactions and sales scams or when a newly purchased product fails to work. There are federal and South Carolina laws that govern consumer transactions and provide valuable protections for consumers. Below are some specific examples.

Should I really shop and compare before I buy something?

Compare products on the basis of features, warranty protection, and price. The best buy isn't always the cheapest. Use magazines, like *Consumer Reports*, and reputable web sites to help. Advertisements can provide useful information; however, ads typically appeal to your emotions rather than your intelligence. While there are laws against deceptive advertising, it's still best to avoid a problem by scrutinizing claims made in ads rather than getting snared by them and having to rely on a law or someone else to get you out of a mess.

What happens if I buy a new car and it turns out to be a lemon?

If you buy a **new** car and it turns out to be a lemon — a car that repeatedly breaks down or has substantial defects generally discovered within the first year or purchase or the first 12,000 miles — you must notify the dealer and give them a chance to fix the car. If the problem cannot be fixed within a reasonable time, the manufacturer must replace the car or provide a full refund for the return of the car. South Carolina's "Lemon Law" does not apply to the purchase of used cars unless the seller intentionally misrepresents and/or fails to disclose whether the vehicle was previously determined to be a lemon (S.C. Code Ann. §§ 56-28-30, -50). Moreover, a claim under the Lemon Law cannot be brought more than three years after the date of original delivery of the motor vehicle (S.C. Code Ann. § 56-28-70).

What protections do I have if I buy a used car?

South Carolina law provides basic implied warranties for consumers buying used cars. These implied warran-

ties include:

- Warranty of title (the seller has clear title to the car) (S.C. Code Ann. § 36-2-312);
- Implied warranty of merchantability (the car is fit for the ordinary purposes for which cars are used) (S.C. Code Ann. § 36-2-314); and
- Implied warranty of fitness for a particular purpose (the seller is aware that the consumer is buying the car for a particular purpose and the consumer relies on the seller's assertions that the car is fit for that purpose) (S.C. Code Ann. § 36-2-315).

Other than these very specific warranties implied by law, most used cars are sold "as is". If a used car comes with additional warranties, these express warranties should be in writing. Although warranties do not need to be in writing, it is often difficult to prove an oral warranty.

Do I have the right to change my mind and back out of a contract?

Generally, a contract that was properly and lawfully entered will be enforced. You may be able to amend or end the contract based on whatever terms are part of the agreement. Written contracts often include information regarding how the agreement can be terminated. Otherwise, the party wishing to set aside the contract has the burden to show that the contract was induced by fraud, entered under duress, or executed by mistake. Merely regretting entering into a contract is usually not legally significant enough to back out of a contract.

What do I do if I receive something I did not order?

If you receive goods in the mail that you did not order, both state and federal laws allow you to keep them as a gift! You do not have to pay for them. Of course, if something is delivered to you by mistake (it has someone else's name on it, for instance), you cannot keep it and must return it to the post office or to the proper person. But if you sign up for a service or a free trial, you may have contracted to receive these delivered materials.

If any company sends you unsolicited merchandise and then attempts to make you pay for it, it is breaking the law. If this happens to you, inform the postmaster in your town or city, or the Attorney General's Office in the company's state. If that doesn't work, contact the

Postal Inspection Service, PO Box 3000, Charlotte, NC 28228-3000, (877) 876-2455, or on the web at postalinspectors.uspis.gov under the “Investigations” tab.

What can I do about telemarketers?

Learn to say no. Don't be pressured into making a quick decision. Make it a firm rule to think the situation out, and don't buy immediately. Tell the salesman that is your rule. With a telephone sale, ask the caller to send the information in writing, and don't promise to buy until you receive the written facts.

Remember: It is your money and you are under no obligation to spend it unless you want or need the product. Be courteous but firm. Tell him you want to discuss it with your spouse, you are not interested, you hate to waste his time, or that you don't appreciate pressure tactics. The salesman has received special training to sell you the product. It is up to you to train yourself to resist.

The Attorney General's Office has identified several kinds of telemarketing scams to avoid. Many of them share common elements. For example, look out for any telephone caller who requests your credit card number, social security number, or other personal identifying information. They may tell you they need it for identification purposes. As a rule of thumb, do not give your credit card number out unless you initiate the telephone call.

Also, beware of “free gifts” that require you to give out your credit card number or call a 900 number in order to collect it. Finally, beware of any high-pressure sales tactics. If you must “act now or lose the opportunity forever,” your best bet is to miss it. South Carolina has a law that places restrictions on these “unsolicited consumer telephone calls” that try to sell products or present prize promotions (S.C. Code Ann. § 16-17-445). Generally, the party making the unsolicited consumer telephone calls must clearly identify themselves, the nature, and full price of the goods and/or services, and cannot call between 9:00 pm and 8:00 am the following day.

There is now a national “Do Not Call” registry, which, if you sign up, prohibits most telemarketers from calling you. Register online at www.donotcall.gov. More information about consumer protection can be found at www.ftc.gov.

“If it sounds too good to be true ... It's not true.”—
The Maine Attorney General's Consumer Law Guide.

Be wary of promotions and contests that seem too good to be true. Be sure to read exactly what you agree to when providing your bank account, debit card, or credit card information to anyone. Make sure you understand the terms of any subscription service or free trial offers before you sign up for them.

Do I have to pay for things I buy in an app?

“Free” apps are not always free. Many apps you access on your mobile devices and tablet computers entice you to buy extras or upgrades to the initial free program. Your act of hitting the button acknowledging the requested purchase or entering your billing password will be deemed as your agreement to pay for the purchase. It is easy to spend a lot of money in a short amount of time when all it takes to confirm the purchase is entering a password or hitting a button. You do not get the same feeling of buying something as handing someone in a store cash, a check, or signing your credit card slip.

Do companies have a limit on how long it takes to deliver an item?

If you order something by mail, the law requires the company to ship the goods within the time promised. The Federal Trade Commission's Mail Order Merchandise Rule also states that if the company does not say when the product will be shipped, then it must be shipped within 30 days. This rule applies when you order by mail, regardless of whether your product comes by mail or by a private carrier such as UPS. The rule does not apply to magazine subscriptions (except for the first order), photo developing services, seeds and nursery products, book and record clubs, and any C.O.D. orders. If the company does not ship your goods within the time required, it must notify you of the delay and remind you that you have the right to cancel your order and receive a full refund, or wait for a new shipping day. The company must give you a free way to notify them of your choice.

If you decide you want to cancel, you must notify the company. Silence on your part means you're willing to wait for the new date. If you decide to cancel, the company must refund your money within seven busi-

ness days of cancellation. If you purchased by credit card, the company must adjust your statement by the next billing period.

If your order is delayed a second time, the company must notify you again and must assume you want to cancel. If you do not want to cancel, you must notify the company. If the company does not follow the law, you should notify the Federal Trade Commission, Office of the Secretary, Washington D. C. 20580. For more information on consumer issues or problems, write to: South Carolina Department of Consumer Affairs, 2221 Devine Street, 2nd Floor, P.O. Box 5757, Columbia, SC 29250, (803) 734-4200, www.consumer.sc.gov.

How can I ensure my complaint is heard?

Complaining isn't fun. Sometimes it works and sometimes it doesn't, requiring more serious steps to be taken. Obviously, the best thing you can do is to shop carefully, avoid problems, and eliminate the task of righting the wrong. However, if you do end up with unsatisfactory products or services, you have a responsibility, as well as a right, to complain. If you don't complain, you do no one a favor — you merely make more room in the marketplace for poor products and shoddy service.

Before you complain, make sure you have a legitimate complaint and not a problem that you caused yourself. Next, decide what's wrong and exactly how you want it corrected: Do you want a new product? The product fixed at no charge? Your money back? (The written warranty that came with the product will give some guidance. Choose a solution that's fair, reasonable, and cost effective.

1. In resolving any complaint:

- Identify yourself and explain your problem clearly, concisely and politely;
- Have receipts, warranties and all other pertinent documents at hand;
- If sending a complaint letter, consider sending it by registered mail for proof that it was received, and state a date by which you would like a reply, so you know if the company is ignoring you;
- Record the name and title of everyone you talk with when you complain in person or over the phone.
- Give the person hearing your complaint a fair chance to respond;

- Stand firm — don't accept a solution you feel is inadequate. If you don't get any satisfaction from the people you've spoken to or written to, consider going higher up in the company — all the way to the company president, if necessary;
- If you have to send more than one letter to a company in another state, consider sending a photocopy to the Consumer Division of the Attorney General's Office in that state;
- Promptly confirm any agreement by letter. Insist that all promises be put in writing; and
- Follow the same steps above if the complaint is made via e-mail or web site.

If your efforts at the source are not successful, start climbing the complaint strategy ladder:

2. Expand the Complaint Process

The merchant you have a complaint about may be a member of a trade or professional organization. Send copies of your complaint to these organizations. They may be able to persuade the merchant to resolve your complaint.

3. Contact the Better Business Bureau

Contact your local Better Business Bureau. If you are about to do business with a company you do not know already and want more information, it is better to call the Better Business Bureau before you make the purchase, or sign the contract.

4. Complain to government agencies

At the state level, contact: S.C. Department of Consumer Affairs, 2221 Devine St. Suite 200, Columbia SC 29205-2418, P.O. Box 5757, Columbia, SC 29250-5757, 803-734-4200, 1-800-922-1594; or www.consumer.sc.gov. If these agencies can't help you, they will know who can. It's also useful to notify them of your problem so that they can keep track generally of problems South Carolina consumers are having.

At the federal level, the primary government agencies responsible for consumer protection are the Federal Trade Commission, Washington DC, 1-877-382-4357 www.ftc.gov, and the Consumer Product Safety Commission, Washington DC, 1-800-638-2772, www.cpsc.gov. The FTC is responsible for policing unfair and deceptive business practices. The CPSC is charged with

protecting consumers from hazardous products.

5. Tell it to the judge

If your efforts at all other levels fail, think about going to court. Every county has a Court of Common Pleas to resolve non-criminal legal disputes. Typical venues for making legal claims are trials with a judge, trials with a jury, and arbitration. An arbitration is like a trial, but the person or persons deciding the case are selected by the parties to the dispute. Some contracts include a requirement that the dispute must go to arbitration rather than be tried in a courthouse.

A legal proceeding will require an up-front filing fee plus, other litigation costs, and, if you hire one, paying your attorney. (Filing fees can be waived in certain circumstances for indigent litigants.) An individual does not have to hire an attorney to initiate a civil lawsuit; however, an attorney knows the legal process and is trained to assist you with your case. You may have heard the phrase that is credited to Abraham Lincoln that “He who has himself for an attorney has a fool for a client.”

If your claim involves a dispute \$7,500 or less, you can file a claim in your local Magistrate’s or Summary Court. Magistrate’s Court is a less formal forum for resolving disputes either without or with a six person jury. The Magistrate’s Court Rules of Procedure are relaxed, as the Court is charged with providing “the just, speedy, and inexpensive determination of every civil case within [its] jurisdiction.” For example, you might go to Magistrate’s Court to try to get back the security deposit your landlord owes you, or to get a mechanic to do a repair job over again because it wasn’t done right the first time. The South Carolina Judicial Department has Magistrates Court frequently asked questions and answers on the self-help resources section of its website at www.sccourts.org/selfHelp/FAQMagistrate.pdf.

6. Hire your own lawyer

If your problem involves more than the \$7,500 Magistrate’s Court limit, you’ll probably need a lawyer to represent you in the Court of Common Pleas. Under many state and federal consumer laws, the business you are suing must pay your reasonable attorney’s fees and court costs if you prove that it broke these laws in dealing with you. Attorney’s fees can be awarded only if there is a specific statute that applies to the claim or

if the underlying contract allows an award of attorney’s fees.

If you need an attorney, call the South Carolina Lawyer Referral and Information Service at (800) 868-2284 or (803) 799-7100 in Columbia/Lexington. Or you can go online to www.sctbar.org/lrs. This service can refer you to a lawyer in your area. Whenever possible, you are referred to a lawyer who will accept referrals in the kind of law in which you need assistance.

To find out more information about free or low-cost legal service to persons with low income, please visit www.sclegal.org or contact the Legal Aid Telephone Intake Service (LATIS) at (888) 346-5592.

WARRANTIES

Know what you can expect and what’s expected of you. If you don’t understand something, ask questions or seek help from a friend, parent, teacher or lawyer.

Never sign a contract with blank spaces. Fill in any blank spaces or draw a line through them. Keep good records. Keep copies of all contracts, receipts and warranties; all notes or letters you’ve written regarding the product or service; and records of payments, maintenance, repairs and other services. Once you get the basics under your belt, you’re still not out of the woods. The next area you need to explore is warranties.

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

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

1. An oral warranty is simply the seller’s spoken promise about the product that you rely on in deciding to buy (S.C. Code Ann. § 36-2-313(1)). While oral warranties are binding, they’re obviously hard to prove. It’s best to get these promises in writing, if you can.

2. A written warranty is a written promise about a product. A seller is not required to give you a written warranty. However, most do. And, if they do (on any product costing more than \$15), the seller must declare

whether the warranty is “full” or “limited.” The distinction is important. A *full warranty* gives you the best protection: for example, if a product breaks down, the seller must try to fix it within a reasonable time. You pay nothing for parts or labor. And if it can’t be repaired within a reasonable time, you get your money back or a brand new product. A *limited warranty* is anything less than a full warranty. Under a limited warranty the seller might pay for replacement parts, but you might have to pay for labor. If the seller couldn’t fix the product after a reasonable number of tries, you would still probably be entitled to your money back, except that the legal steps you would have to go through would be a lot more complicated. Federal law requires that all products costing more than \$15, with warranties, have their warranties available for you to look at before you buy, so that you can examine and compare them (S.C. Code Ann. § 36-2-313, 15 U.S.C.A § 2301-10).

3. An implied warranty (S.C. Code Ann. §§ 36-2-314, -315), the third type of warranty, is an unwritten and unspoken one — that’s why it’s called implied. South Carolina law declares that these types of warranties are given to you automatically by the seller even though they are not formally expressed to you. They come with all products. For purposes of consumer goods (other than used cars), these warranties cannot be taken away from you.

This is a warranty of basic quality. It assures you that a thing will at least do what it’s supposed to do — a toaster must toast, a reclining chair must recline. This kind of warranty covers new and used consumer products and services, and may entitle you to repairs at no cost (S.C. Code Ann. § 36-2-314). If you purchase an item that proves to be seriously defective (it does not work as it should), it is not “too old” (still within its “useful life”), and you have not abused it or used in a manner not intended, then you might have an implied warranty claim against either the seller or the manufacturer. Food and drinks are included in these implied warranties.

28 29 30 17 18 19 12

Form **1040**

Department of the Treasury—Internal Revenue Service
U.S. Individual Income Tax Return 2007

Label

(See instructions on page 12.)

Use the IRS label.

Otherwise, please print or type.

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For the year Jan. 1–Dec. 31, 2007, or other tax year beginning _____, 2007.

Your first name and initial _____

Last name _____

If a joint return, _____ first name _____

Home address (number _____)

City, town or po _____

Presidential Election Campaign

Check here if you, _____

Filing Status

Check only one box.

- 1 Single
- 2 Married
- 3 Married (and full n
- 6a Yourself

WORKING & TAXES

(1) First name

At age eighteen, child labor laws limiting work hours and dangerous tasks no longer protect you. Still, as an employee, you do have certain rights and responsibilities. In most cases, for example, your employer must pay you the federal minimum wage. And, with some exceptions, your employer must give you overtime pay, workers' compensation insurance, and unemployment insurance.

Will I be offered a written contract with a job?

Probably not as South Carolina is an "at-will" employment state. Most employment agreements are oral. In South Carolina, absent a written agreement, the employee is generally considered "at-will," and may be fired for any reason that does not violate the law. Many employers will have you sign a document describing the terms and conditions for your job or provide you with an employee handbook describing your job duties, obligations, and pay dates.

Is there any guarantee that I can keep my job if I do my best?

In South Carolina, absent a written agreement, the employee is generally considered "at-will," and can be fired for any reason that does not violate the law. However, there are exceptions. For example, an employer may not fire or discriminate against someone based on race, sex, color, disability, age, national origin, ancestry, or religion. The Americans with Disabilities Act; Title VII of the Civil Rights Act of 1964; (S.C. Code Ann. § 1-13-80).

How do temporary employment agencies work?

Although there are other resources you can turn to for help in finding work, some people apply with employment or staffing agencies. These companies try to find work for you for a fee, and most of them offer only temporary positions. Many agencies collect their fees from employers rather than job seekers. If you use one of these agencies and have a problem, you should contact the South Carolina Department of Labor, Licensing and Regulation in Columbia at (803) 896-4300 or llr.sc.gov.

What are the minimum wage and overtime rules?

Once you are on the job, you have certain rights. Among those are the right to be paid at least the federal minimum wage and, in most jobs, the right to be paid

overtime (time-and-a-half your regular hourly pay rate) for hours worked in excess of forty hours per work week. The federal minimum wage is \$7.25 per hour as of July 2009, and may be increased for future years. Fair Labor Standards Act of 1938, (29 U.S.C. §§ 201–219). Unlike some other states, South Carolina does not have a higher state minimum wage rate.

Questions or complaints about wage and hour issues should be directed to the Wage and Hour Division of the United States Department of Labor at (866) 487-9253, (877) 889-5627 (TTY), or www.dol.gov/whd.

Can my employer deduct anything from my paycheck?

Yes, but only for certain purposes. For example, your employer could deduct funds for:

- Tax withholdings.
- Employee benefit coverage (health, disability, retirement, etc.).
- Specific deductions that you were informed of in writing at the time of hire or previously gave written authorization to the employer to make. For example, deductions for uniforms or cash shortages.
- Court ordered payments such as child support or past due tax payments.

When you are hired, your employer must provide you with a statement of your deductions and give you seven days' notice of any changes to those deductions. (S.C. Code Ann. § 41-10-30).

What is F.I.C.A.?

The Federal Insurance Contributions Act (F.I.C.A.), commonly called Social Security, is a mandatory payroll tax that provides retirement, disability, and death benefits to workers. Your employer pays half of the premium and you pay the other half through payroll deductions.

Do I need a Social Security number to get employment?

Yes, unless you are ineligible for a Social Security number. If you are ineligible for a social security number, you need an Individual Taxpayer Identification Number (ITIN) instead. A U.S. resident who is not a citizen or a foreign national filing a U.S. tax return are examples of individuals who might need an ITIN. Your employer is required

to report your wages to the Internal Revenue Service (IRS) - the agency that collects federal taxes from taxpayers. The IRS, in turn, uses your Social Security number or ITIN to process your federal tax payment. For more information, check with your local Social Security office, go to www.ssa.gov, or call (800) 722-1213 or (800) 325-0778 (TTY).

Will I get back any of the tax that I pay?

Maybe. You (or your tax advisor) must complete both a federal and state income tax return each year and mail it to the IRS and the South Carolina Department of Revenue no later than April 15. If you paid too much tax during the year for your level of income, you would be entitled to a refund. (26 U.S.C § 6402).

What can I do if I experience discrimination or harassment in the workplace?

Federal and state laws make it illegal for an employer to refuse to hire you because of your race or color, sex, physical or mental handicap, religion, ancestry, national origin, age (if 40 or older), veteran status, whistleblower status, or status as one who has used the protection of fair employment laws - and, once you have a job, to treat you differently with regard to promotions, transfers, wages, or working conditions for any of these reasons.

In addition to discrimination, federal and state laws also prohibit harassment based on your race or color, physical or mental handicap, religion, national origin, or age. The most common form of harassment is sexual harassment.

Sexual harassment is a serious legal issue and is forbidden in the workplace. Sexual harassment can take several forms, but the following prohibitions are generally recognized from a legal standpoint:

- No one can require someone else to submit to verbal or physical sexual conduct as a condition of getting or keeping a job;
- No one can legally be fired for refusing to submit to such conduct; and
- No one can be forced to work in a "hostile working environment."

The first two prohibitions are fairly self-explanatory. No

one can insist that you grant sexual favors for job promotion. If you feel that you will not be promoted unless you give in to a supervisor's sexual demands, contact a lawyer, the South Carolina Human Affairs Commission (SCHAC), or the United States Equal Employment Opportunity Commission (EEOC) (see below). Further, if you are told that you will lose your job unless you submit to such demands, this, too, is a violation of your rights.

The third prohibition has caused most of the court cases. For example, what about a workplace where sexual jokes are told by co-workers, or sexually explicit photos are displayed? The law forbids a sexually "intimidating, hostile, or offensive working environment." A sexually objectionable work environment is one that a "reasonable person" finds abusive and the victim perceives as abusive. Courts determining if the environment is hostile will look at the extent of discriminatory conduct, how serious it is, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

Generally, the offensive behavior must be more than one or two incidents, and the employee is generally required to complain to the employer about the inappropriate behavior. The employer has a responsibility to respond quickly to your complaint and to take prompt and effective corrective action if the complaint has merit. Simple teasing, offhand comments, and isolated incidents (unless extremely serious) are not sufficient to establish a hostile work environment. And, the harassment can occur between people of the same sex.

If you believe that you have experienced job discrimination or harassment, you may contact the South Carolina Human Affairs Commission in Columbia at (800) 521-0725, (803) 253-4125 (TDD), or www.state.sc.us/schac or the federal Equal Employment Opportunity Commission at (800) 669-4000, (800) 669-6820 (TTY), or www.eeoc.gov. You cannot later be denied a job because you filed a complaint with a government agency.

What are my rights to a safe workplace?

State law prohibits employers from firing, threatening, or otherwise discriminating against any employee for refusing to perform any assignment that the employee believes will expose him/herself or any other person to the risk of serious injury.

If you have notified an employer of the existence of a dangerous condition, and the employer refuses to correct it within a reasonable time, you should report the condition to the United States Occupational Safety and Health Administration (USOSHA) at (800) 3216742, (877) 889-5627 (TTY), or www.osha.gov or the Occupational Safety and Health Office of the South Carolina (SCOSHA) within the Department of Labor, Licensing and Regulation at (803) 896-7825 or www.scosha.lironline.com. Employers are prohibited from taking any action against an employee for reporting a dangerous condition to the authorities. (29 C.F.R. § 1910); (S.C. Code Ann. §§ 41-15-80 - 640).

What is workers' compensation insurance?

It is insurance - paid for by employers - that provides compensation and medical benefits to workers who are injured on the job. By law, employers must carry workers' compensation insurance if they employ five or more employees. Such insurance is also intended for workers who develop occupational diseases caused by their jobs. It is not meant to replace a worker's personal insurance plan. (S.C. Code Ann. §§ 42-1-10, -175).

Because the law provides for compensation payments if you are unable to work because of your injuries and provides for payment of medical expenses incurred on account of your injuries, the law also provides that workers' compensation is your exclusive remedy against your employer. This means that you cannot sue your employer under a theory of negligence for injuries you suffered on the job.

If you have an injury, you should immediately inform your employer, or your right to workers' compensation benefits may be lost. Your employer cannot terminate you or otherwise retaliate against you for filing a workers' compensation claim. For additional information about workers' compensation, go to www.wcc.sc.gov.

Can I take extended leave for a family or medical reason?

Every employee who has been employed by the same company for twelve consecutive months, and who has worked at least 1,250 hours during those twelve months, is permitted under the federal Family and Medical Leave Act (FMLA) to take up to twelve weeks of unpaid leave for their own serious health condition

or to care for a family member with a serious health condition. The twelve weeks of leave may be taken all at one time or on an as needed basis. However, employers who routinely employ fewer than fifty employees are not required to grant such leave. The Family Medical Leave Act, (29 U.S.C. §§ 2601–2654). For more information about leaves of absence, go to www.dol.gov/dol/topic/benefits-leave.

What are the rules about drug testing?

Generally speaking, your employer can ask you to take a drug test under any circumstances, including pre-employment screening and after a workplace accident. Be aware that in South Carolina, it is a misdemeanor to commit fraud involving a drug or alcohol screening test. (S.C. Code Ann. § 16-13-470). Test results, with some exceptions, are confidential.

You can always refuse to take a drug test, but it may cost you your job.

Employers are required to post certain notices summarizing your rights as an employee. To review state and federal employment posters, go to www.lironline.com/aboutus/index.asp?file=posters.htm.



VOTING

One of the most important rights you have as an American citizen is your right to vote for leaders in your community, state and nation. When you turn 18, you have a greater opportunity to make a difference.

Who can vote?

When you turn 18, you have the right to help decide our leaders. As a South Carolina resident, you can vote in the precinct in which you live if you are:

- A citizen of the United States;
- Registered at least 30 days before the election;
- Not in prison for conviction of a crime and have never been convicted of a felony or offense against the election laws OR if previously convicted, have served the entire sentence, including probation or parole, or have received a pardon for the conviction; and
- Not under a court order declaring you mentally incompetent.

Where do I register?

South Carolina has a number of ways to register to vote. The simplest way is to register online at www.scvotes.org. Or, you may download a voter registration application from www.scvotes.org, complete it and mail, fax or email it to your county board of voter registration. You may also register in person at your county board of voter registration. Registration closes 30 days prior to any election. For more information, call the South Carolina State Election Commission at (803) 734-9060 or visit www.scvotes.org.

What forms of ID do I need to show in order to vote?

When voting in person, you will be asked to show one of the following Photo IDs:

- SC Driver's License;
- SC Department of Motor Vehicles (DMV) ID Card;
- SC Voter Registration Card with Photo;
- Federal Military ID; or
- US Passport.

Make your voting experience as fast and easy as possible by getting a free Photo ID from your county voter registration and elections office or your local DMV office.

- If you're already registered to vote, go to your county voter registration and elections office, provide

your date of birth and the last four digits of your Social Security Number. Then, have your photo taken.

- If you are not yet registered, you need to register to vote first. You can register and have your photo taken on the same day. To learn how to get a DMV ID card, call or visit your local DMV office or visit www.scdmvonline.com.

I lost my voter registration card, what should I do?

To get a replacement for a lost voter registration card, please contact your local county board of voter registration. Contact information for all South Carolina counties can be found in the article 'How To Register' on the www.scvotes.org website.

If I forget to register, can I just show up to vote?

No. Unfortunately, voting record books close 30 days before an election. So, you must be registered by then.

Where do I vote?

Your voter registration card should contain the polling place for your voting precinct. You may verify the polling location by calling your local election office or using the "Find Your Precinct" tool on www.scvotes.org. Be sure to bring your voter registration card and a valid South Carolina driver's license or photo I.D. card with you when heading to the polls.

How do I vote?

You will be asked at your assigned polling place for your name to check against a list of registered voters. You will be asked for your voter's registration card and/or a valid form of picture identification. Poll workers will be available to help you understand how to mark the ballot. If visually impaired or physically disabled, you can receive assistance in marking the ballot. If you are in line waiting to vote when the polls close, you can still vote.

Where can I find candidate, referendum information and sample ballots to review prior to an election?

The best source of candidate and referendum information is your county board of elections/voter registration. Your county should be able to provide you with a sample ballot or other information about county specific ballot information. The State Election Commission website also provides ballot information that is applicable statewide.

If I'm away at college, can I vote there?

Yes, if you have become a resident there and have registered to vote. Otherwise, you may be eligible to vote in your home county by absentee ballot. Absentee ballots may be cast in person in your home county until 5 p.m. the day before an election. Or, you may contact your home county voter registration office to request that an absentee ballot be mailed to you. Applications for absentee ballots by mail must be returned no later than the fourth day prior to an election. Upon receiving an absentee ballot by mail, you may complete the ballot and return it in person or by mail no later than 7 p.m. on Election Day.

In any case, you can only vote once. You cannot vote in both locations.



LIFE AND DEATH MATTERS

What is a will?

A will is a written document that states how you want your personal and real property (i.e., your “estate”) distributed after your death. You may also list the person(s) you want to be the guardian over your minor children.

How old do you have to be to make a will?

Anyone who is of sound mind and not a minor may make a will (S.C. Code Ann. § 62-2-501).

What happens if I do not have a will when I die?

If you die without a will, your property will be distributed according to the South Carolina laws of intestacy (S.C. Code Ann. § 62-2-101). If you have a spouse and children, your surviving spouse would receive one-half of the estate and your surviving children would receive the other half. If you have no children (surviving), your surviving spouse would take the entire intestate share of your estate (S.C. Code Ann. § 62-2-102). If you die without a surviving spouse or children, your entire intestate estate will go to your parents (S.C. Code Ann. § 62-2-103(2)).

What happens if I have no surviving relatives?

If you have absolutely no surviving relatives, your intestate estate passes to the State of South Carolina (S.C. Code Ann. § 62-2-105).

Can I make my own will?

Technically, you may draft your own will. However, in order for a will to be valid, it must be written, signed by the person making the will (the “testator”), or signed in the testator’s name by some other person, in the testator’s presence, and by his direction. The will must also be signed by two people who witnessed the will’s signing or witnessed the testator’s acknowledgment of his or her signature or of the will (S.C. Code Ann. § 62-2-502).

It is a good idea to have a lawyer draft your will so that all the formalities are followed as well as some other provisions that will make your will “self-proving” – that is, valid without locating the witnesses – should your will be contested in court after your death (S.C. Code § 62-2-503).

Can I keep a separate list of people to whom I want to give specific personal property?

You may refer in your will to a written list disposing of any tangible personal property that is not otherwise addressed in your will. The list, often called a memorandum, does not have to have all the formalities of a will, but it must either be in the testator’s handwriting or signed by the testator and must describe the items and the persons to whom the items will be distributed with reasonable certainty (S.C. Code Ann. § 62-2-512).

Can I handle all my property or interests through a will?

Not all of your property is considered part of your estate and distributed according to your will. Some of your property may include proceeds from life insurance payable to a designated beneficiary or certain accounts that are payable on your death. These items may not be considered part of your estate; however, you should plan for these items in the event of your death just as you plan for those things listed in your will or memorandum.

ADVANCE HEALTH CARE DIRECTIVES

Can I appoint someone to make health care decisions for me if I am too ill and unable to make those decisions for myself?

Yes, the South Carolina Code of Laws provides statutory forms for a “living will” and for a “health care power of attorney.”

What is a living will?

A living will is a document in which you may describe your wishes regarding your treatment if you are terminally ill or in a persistent vegetative state. It focuses on the dying process and is an “advance directive” to your physician regarding what life-sustaining measures you do or do not desire. The requirements for a living will in South Carolina are found in the Death with Dignity (Act. S.C. Code Ann. §§ 44-77-10, -160).

What is a health care power of attorney?

A health care power of attorney deals with a broader range of issues than a living will and allows the person you appoint (i.e., your “agent”) to make health care

decisions for you in the event you cannot make your decisions known because of your mental or physical condition. Under the statutory form, you may give your agent the ability to make decisions for you or you may give instructions that your agent is to implement for you. Some of these decisions could involve treatment of a condition; provisions for skilled nursing care; services for rehabilitation of an injured, disabled, or sick person; and even placing or removing a person from a facility that provides these types of care (S.C. Code Ann. § 62-5-504).

a principal appoints an agent to handle the sale or purchase of real estate when the principal is unable to attend the closing.

How old do I have to be to execute a health care power of attorney?

A person who executes a health care power of attorney is called “the principal” and must be eighteen years old and of sound mind (S.C. Code Ann. § 62-5-504(9)).

If the forms are available in the Code of Laws, do I need an attorney to handle these documents for me?

An attorney can ensure the documents are properly executed and witnessed, and can explain the terms and effects of the documents, so while not required, it is a good idea to seek legal assistance if you are interested in executing these documents.

GENERAL DURABLE POWER OF ATTORNEY

What is a general durable power of attorney?

A general durable power of attorney is a document that allows you to appoint an agent who can act on your behalf. It gives broad powers to the agent who can act on your behalf both while you are mentally and physically capable of handling your own affairs, and also after you become incapable of handling your affairs (S.C. Code Ann. § 62-5-501).

Can I appoint a power of attorney to handle a single transaction for me?

Yes, you can execute a specific power of attorney that sets forth specific instructions and gives your agent the power to act for a specific transaction or purpose. A specific power of attorney is commonly used when



JURY DUTY

You may be asked to take part in the justice system by serving on a jury.

When I turn 18, am I automatically eligible to serve as a juror?

No. To serve on a jury, you must:

- Be at least 18 years old;
- Be a U.S. citizen;
- Be able to read, write, speak and understand the English language;
- Live in the court's jurisdiction;
- Not have been convicted of a crime punishable by imprisonment for more than one year (unless your civil rights have been restored by pardon or amnesty);
- Not be incapable by reason of mental or physical infirmities to render efficient jury service;
- Have completed at least a sixth grade education or its equivalent;
- Not be an employee of the clerk of court, constable, sheriff, probate judge, county commissioner, magistrate or other county officer; and
- Not employed within the courthouse.

(S.C. Code §§ 14-7-810, 820)

How are potential jurors selected?

They are selected randomly from a list containing the names of registered voters, persons holding valid driver's licenses and persons with state-issued identification cards. Once summoned to court, the prospective jurors then make up the panel from which trial jurors are chosen (S.C. Code § 14-7-130).

Do all potential jurors wind up serving on a jury?

No. The court typically brings in more prospective jurors than will be needed. This is because some people are automatically excused and others may be excused during the jury selection process (S.C. Code § 14-7-840, et. seq.)

If I'm summoned for jury duty, do I have to respond?

Yes. If you fail to respond to a jury summons, you can be held in contempt of court, subjected to a fine, and a bench warrant may be issued for your arrest. If you cannot serve on the summons date, however, you may ask for one postponement to a more convenient time,

which may be granted for good cause shown. (Read the summons from your particular court to find out how to respond in your county.) You might be excused from jury duty if such service would cause undue hardship for you or the public, or for certain other reasons (see below). You may be asked to furnish an affidavit to support your request to be excused. If you believe that you do not meet the eligibility requirements for jury service, contact the Clerk of Court to confirm whether you may be disqualified or temporarily excused from service. Whatever your circumstances, however, do not ignore the jury summons.

Why would a judge excuse some people and not others?

Judges have the right to excuse prospective jurors for a variety of reasons. The prospective juror may:

- Be over the age of 65;
- Have custody and care for a child under the age of seven;
- Be the primary caregiver for a person 65 years of age or older;
- Be the primary caregiver for a severely disabled person who cannot be left alone and who cannot care for themselves;
- Have immediate family members related to someone involved in the case;
- Have a financial interest in the case; and
- Have been convicted of a felony, have prejudice or bias or have formed an opinion regarding the outcome of the case.

The judge may also excuse a potential juror if service on the jury would cause undue hardship on him or her or on the public. Judges may use their discretion.

What happens during the jury selection process?

Names are chosen at random from those called for jury duty. The judge asks general questions and excuses people for the reasons mentioned above. Lawyers may do more questioning and ask the judge to excuse others for the same reasons. In addition, each lawyer is allowed, without providing any reason, to excuse a certain number of prospective jurors from the case.

What if I can't get time off work to report for jury service?

Employers are required to give employees time off for jury duty. (Depending on your employer, however, you may lose wages during that time.) Also, it is against the law for an employer to penalize you for performing jury service or to prevent you from serving as a juror. If this occurs, notify the Clerk of Court or the judge assigned to your trial. Although you may not generally be excused from jury service for work – related reasons, you may be able to request a postponement of your service to a more convenient time by contacting the Clerk of Court. Students may also request a postponement of jury service to a date that does not conflict with the school term.

Will I be paid anything for my jury service?

Yes, but not much. Compensation is established at the local, rather than the state level. You may also be eligible to receive reimbursement for mileage.

What happens if I'm not selected to serve on a jury?

When summoned to appear for jury duty in the state courts of South Carolina, you may be placed in a juror pool from which multiple juries will be drawn. You may be required to appear at the courthouse for an entire week while juries are being assembled from this pool. Whether or not you are ever placed on a jury, your service in the jury pool will exempt you from further jury duty for a period of three years following the year in which you serve. However, you may still be subject to serve as a juror in the federal or magistrate courts, without regard to the dates of your service in the state circuit court.



MILITARY SERVICE

While no draft is in effect, you have a duty to register for military service if you are a young man.

Am I required to register for military service even if I do not want to enlist?

It depends. If you are a male U.S. citizen or male immigrant living in the United States, you generally must register with the Selective Service System within 30 days of your 18th birthday. All eligible young men ages 18 to 25 must be registered. Women are exempt (50 USC § 453; Govt.C § 7593.1; Ed.C § 35041.3). Failure to register could result in a maximum \$250,000 fine and/or five years in prison. In addition, you must register to qualify for federal student aid, federal jobs and federal job training, as well as any state student financial aid or state employment (Ed.C § 69400). And, if you are an immigrant from ages 18 to 25, you must register to remain eligible for citizenship.

How do I register?

You have several options. You can:

- Register online at www.sss.gov;
- Pick up a form at your local post office, complete it and mail it in;
- Mail in a completed Selective Service reminder card (a card sent to most young men around their 18th birthdays);
- Check the appropriate box on a Federal Student Financial Aid form. The Department of Education will then supply the necessary registration information to the Selective Service;
- Register at your high school. Many high schools have staff members who are Selective Service registrars; or
- Register at any U.S. embassy or consular office if you are living overseas.

Why is there a Selective Service registration?

Such registration allows the government to keep a list of young men who could be summoned quickly in the event of a national emergency (50 USC § 451).

If the draft were reinstated, who would be called first?

The Selective Service Administration would determine the process for selection by publishing regulations that

conform to the law. The specific process would be based upon the national emergency and needs of the military. The last time a draft existed the process involved a random lottery based upon the age of the draftee.

Would I be able to get an exemption to attend college?

No. There are no student or job-related deferments. Hardship, conscientious objector and ministerial exemptions are still allowed (50 USC § 456; MVC § 125).

Can I enlist for military service when I turn 18?

Yes. You must be 18 to enlist without your parents' consent. If you have written permission from your parents, you can enlist at age 17.



MARRIAGE AND PARTNERSHIPS

Now that you are eighteen, you may be considering marriage. This is not a decision to take lightly though, and very few people take the time to learn about South Carolina's laws pertaining to marriage before they marry. This information should be considered before you decide to marry and hopefully you will be off to a great start!

How does South Carolina define marriage?

Marriage is a contract between a man and a woman and can be entered into in two ways – (1) traditionally by applying for a license and having a ceremony, or (2) by entering into a common law marriage.

Can same-sex couples get married?

Yes. Same-sex couples in South Carolina have been able to marry since November 20, 2014. In 2015, the United States Supreme Court found the Fourteenth Amendment required all states to license and recognize the marriages of same-sex couples, thereby making same-sex marriage legal throughout the United States

Where can I get a marriage license?

You may obtain a marriage license by applying for one at your county's probate court. A marriage license will be issued once a properly completed application has been submitted and after a 24-hour waiting period has expired from receipt of the application (S.C. Code §§ 20-1-220, -230). There is an application fee. It is a misdemeanor to provide false information on the marriage license application (S.C. Code § 20-1-280).

Once you have your marriage license, you may have a minister of the Gospel, a Jewish Rabbi, a chief spiritual leader of a Native American Indian entity, or a person authorized to administer oaths in this state — which includes notary publics — perform the marriage ceremony (S.C. Code § 20-1-20).

What name can I use when I marry?

You can take your spouse's surname or keep your own. You can hyphenate your last name. You will have to send notification of your name change and a copy of your marriage license to the Social Security Administration (www.ssa.gov, Form SS-5), the Department of Motor Vehicles (DMV) (you must visit a DMV office, Form 4057) and any other place that you have an account of

any nature whatsoever.

What is a common law marriage?

A common law marriage does not require a ceremony or license to be a valid marriage. In order for a common law marriage to exist, a couple must:

- Have a mutual agreement to be married;
- Be of the legal age to marry and have the mental capacity to marry;
- Must live together; and
- Publicly represent themselves a married couple.

There is no fixed time period of living together that is required for a common law marriage to be valid. The most common way you and your partner may publicly represent yourselves as a married couple are:

- Referring to yourselves as spouses (husband and wife, wife and wife, or husband and husband) to friends and family;
- Purchasing life insurance naming the other party as your "spouse" and your beneficiary;
- Filing tax returns as "married";
- Signing an affidavit with an employer declaring yourselves married in order to obtain health insurance benefits for each other; and/or
- Sharing the same last name on bank accounts and other public documents.

So, if you do not intend to be married, but want to live together, do not hold yourselves out as married or you may accidentally form a common law marriage.

Is South Carolina a community property state?

No. South Carolina is an equitable division state which differs from a community property state in that a community property state automatically divides the marital estate equally. In South Carolina, the estate is divided in a fair percentage; the assets, debts and property that you accumulate during the marriage, regardless of whose name is on the account or document of ownership, is considered marital (S.C. Code § 20-3-630).

There are a few exceptions to the definition of marital property. The most common examples of *non-marital property* are:

- Your inheritance;
- Things you own before you get married;
- Things excluded by a prenuptial agreement; and
- Gifts you receive from third parties (like a piece of

jewelry from your mother or father).

However, gifts you give each other are marital property. A woman's engagement ring is given to her before the marriage and is her property — not marital property. Jewelry you give to each other during the marriage is marital property.

What is a prenuptial agreement?

A prenuptial agreement also called a premarital agreement — is an agreement that you and your prospective spouse can make before you get married. In the agreement, you can designate which property, assets, or debts remain non-marital property and you can decide how things will be divided if you divorce. You may not include terms that violate public policy or are criminal. Also, each of you must have your own attorney to sign a certification which must be attached to the agreement and who has given you each independent legal advice.

Should we have joint bank accounts and joint credit card accounts when we marry?

You should think seriously about whether to have joint accounts. You should consider your credit and your spouse's credit. You should know that a family court judge cannot order a creditor to remove your name from a joint credit account (utility account, mortgage, car loan, credit card, etc.) should you divorce. That means you will still be liable to a creditor, even after a divorce, if your name is on the account with your ex-spouse. Regarding bank accounts, you should remember that bank accounts are considered marital property if they were opened during the marriage, even if your name is not on the account. Also, any bank account can have a Payable on Death (POD) designation so, even if your spouse is not on your account, he or she can have immediate access to the funds should you die first.

What if I have a child before I get married? Who has custody?

Custody of an illegitimate child (a child born out of wedlock) is solely with the natural mother unless and until a court orders otherwise (S.C. Code Ann. § 63-17-20(B)).

What if I then marry my child's father? Is my child still illegitimate?

No. Once the parents of an illegitimate child marry, the child shall become legitimate as if born in lawful wedlock (S.C. Code Ann. § 20-1-60).

What would be grounds for divorce?

In South Carolina, there are five grounds for divorce — four fault grounds and one no fault ground (S.C. Code Ann. § 20-3-10):

- Adultery—fault ground;
- Desertion—fault ground;
- Physical cruelty—fault ground;
- Habitual drunkenness or drug use—fault ground; or
- Living separate and apart continuously for more than one year—no fault ground.

How do I get divorced if my marriage breaks down?

You will need to consult an attorney, preferably one that practices family law, to go over your situation and to determine what divorce grounds you have and what other issues there might be to address, such as custody, visitation, child support, division of property and alimony. You can only obtain a divorce by filing a divorce action in the family court.

Can I change my name when I separate or divorce?

Yes. You can legally change your name, but you must have a court order to do so. You can receive a name change court order through a separate support and maintenance action or through filing for divorce. You can resume your maiden name or former name. You will have to send notification of your name change and a copy of your marriage license to the Social Security Administration (www.ssa.gov, Form SS-5), the DMV (you must visit a DMV office, Form 4057) and any other place that you have an account of any nature whatsoever.

What if I can't afford to support my children when we separate?

If you are the physical custodial parent, you can obtain child support from the other parent in one of two ways:

- You may hire an attorney to file a case for you in family court for child support; or
- You may apply to Child Support Enforcement through the Department of Social Services (DSS) for child support. The application is online at www.state.sc.us/dss/csed.

Who is entitled to custody of the children if we separate?

Until a court says otherwise, both parents have equal rights to their minor children and neither parent has any rights that are higher than the other parent's (S.C. Code Ann. § 63-5-30).

Can my parental rights ever be taken away?

Yes. Your parental rights can be terminated for several reasons, the most common of which are (S.C. Code Ann. § 63-7-2570):

- Abuse or neglect;
- Willfully failing to visit for a period of six months;
- Willfully failing to support the child for a period of six months; or
- Abandoning the child.

SEX AND THE LAW

As adolescents, you must understand that there may be legal consequences to engaging in sexual activity. From unwanted pregnancies to becoming the victim of or being accused of sexual assault, you could face a variety of difficult situations involving sex and the law.

What is criminal sexual conduct?

There are varying degrees of criminal sexual conduct. Any person who uses coercion to accomplish an act of sexual intercourse, regardless of the age of the victim, or the victim is known to be mentally incapacitated, have a mental deficit or be physically helpless in the absence of aggravating circumstances can be found guilty of criminal sexual conduct in the third degree and face up to ten years in prison (S.C. Code Ann §16-3-654). If there is aggravated coercion to accomplish the sexual battery, the person can face up to 20 years (S.C. Code

Ann §16-3-653). If there are other aggravating factors, including the use of drugs or other intoxicants, kidnapping or burglary, a person could be imprisoned up to 30 years (S.C. Code Ann §16-3-652).

What is criminal sexual conduct with a minor?

A person is guilty of criminal sexual conduct with a minor in the first degree if the person engages in sex with a victim who is less than 11 years of age or the victim is less than 16 years of age and the person has a prior conviction for a sex offense or is a registered sex offender. A person convicted of such violations is guilty of a felony and must be imprisoned for a mandatory minimum of 25 years. If the victim is less than 11 years of age and the person has a prior conviction, the mandatory sentence is death or imprisonment for life.

Criminal sexual conduct with a minor in the second degree is engaging in a sexual battery with a victim who is 14 years of age or less (but over the age of 11) or if the person engages in sex with a victim who is between the ages of 14 and 16 and the person is in a position of familial, custodial or official authority to coerce the victim to submit or is older than the victim. A person convicted of such a violation is guilty of a felony and faces up to 20 years in prison.

A person is guilty of criminal sexual conduct with a minor in the third degree if a person over 14 years old commits a lewd act upon a child under 16 years of age. A person convicted of such a violation must be fined at the discretion of the court and/or imprisoned up to 15 years.

A person may not be convicted of second or third degree criminal sexual conduct with a minor if the person is 18 years old or less when he/she engages in consensual sexual conduct or consensual lewd behavior with another person who is at least 14 years old (S.C. Code Ann. §16-3-655).

A person convicted of any of criminal sexual conduct offense may be placed on the sex offender registry (S.C. Code Ann. § 23-3-430).

What are "date rape" drugs?

They are drugs that may be slipped into an unsuspecting victim's drink to render him or her physically helpless — and pave the way for a sexual assault. The victim may have little or no reason to suspect that

anything is amiss. Such drugs are often colorless and tasteless. And they may leave the victim unable to recall what took place. (See below for tips on how to protect yourself.) Three such drugs — also called “club drugs” — include: GHB (gamma hydroxybutyric acid); Rohypnol (flunitrazepam); and Ketamine (ketamine hydrochloride). Those convicted of using such drugs to force sexual acts face stiffer punishment. And if someone slips you such a drug without your knowledge and then rapes you — or tries to do so — he or she could face up to 20 years in prison (21 USC § 841(C)(7)(A)).

How can I protect myself from being a victim?

- Don't accept drinks from other people;
- Open containers yourself;
- Keep your drink with you at all times, even when you go to the bathroom;
- Don't share drinks;
- Don't drink from punch bowls or other large, common, open containers. They may already have drugs in them;
- Don't drink anything that tastes or smells strange. Sometimes, GHB tastes salty; and
- Have a non-drinking friend with you to make sure nothing happens.

For more information on date rape drugs, visit the National Women's Health Information Center Web site at www.womenshealth.gov or call the center at 1-800-994-9662.

Source: The National Women's Health Information Center, a project of the U.S. Department of Health and Human Services, Office of Women's Health.

If my girlfriend becomes pregnant am I required to support the baby?

Yes. Both you and the child's mother are responsible for providing essentials for that minor until he/she reaches the age of 18. Child support payments can be set up to be paid through the court or directly to the custodial parent. Be sure you keep a record of all support payments. If support is not given, then the custodial parent can, or the State if the child is receiving benefits such as WIC or Medicaid, can take you to court. If you are found in contempt of court for not paying court ordered

child support you could be fined up to \$1,500, required to complete up to 300 hours of community service and/or go to jail for up to one year (S.C. Code Ann. § 63-5-20; 63-3-620).

What is the baby drop off law?

A parent on an infant not more than 60 days old may leave a child at a safe haven in the physical custody of a staff member or employee of the safe haven. A safe haven is a hospital, hospital outpatient facility, law enforcement agency, fire station, emergency medical service station or any staffed house of worship during hours when the facility is staffed (S.C. Code Ann. §63-7-40).

UNMARRIED PARENTS: Rights, Responsibilities and Obligations

Can both parents be listed on a birth certificate if they are not married?

If the parents are not married, the child's biological father's name can be placed on the birth certificate. This can be accomplished by the mother and father signing a sworn acknowledgment of paternity that includes the surname for the child (S.C. Code Ann. § 44-63-165). This form can be obtained at the hospital or at the health department.

Can a father be added to a birth certificate?

If the mother was married at the time of her child's conception or birth, the law presumes that her husband is the child's father, even if he is not the child's biological father. In order for the child's biological father to be added to the child's birth certificate under those circumstances, or when the mother does not consent to adding the biological father's name, the biological father must file a paternity action in the family court and have paternity (DNA) testing performed to confirm he is the biological father of the child. The family court may then order the child's birth certificate be amended to accurately reflect the child's paternity (S.C. Code Ann. § 44-63-163, 165).

Who has custody of an illegitimate child?

Unless the family court orders otherwise, the custody of an illegitimate child is solely in the natural mother unless the mother has relinquished her rights to the child. If

paternity has been acknowledged or adjudicated, the biological father may petition the family court for rights of visitation or custody in a proceeding before the court apart from an action to establish paternity (S.C. Code Ann. § 63-17-20).

How are parenting rights determined for parents who are not married?

In addition to determining issues of paternity, the family court can also decide issues regarding the rights and responsibilities of the biological parents of a child. This includes determining who should have legal and physical custody of the child; what rights of visitation will exist for the non-custodial parent; and financial obligations, such as child support and health insurance for the child (S.C. Code Ann. §§ 63-3-510, 530).

How can I have a paternity test?

A paternity test, accomplished through DNA testing, can be used to prove an individual is or that is not the father of a child. In order to establish paternity an individual may file an action in family court requesting that paternity testing occur and that the court declare the rights, duties, responsibilities and obligations related to that paternity (S.C. Code Ann. §§ 63-17-10, -70).

How is child support determined?

Once paternity has been established, the family court can set child support pursuant to the South Carolina Child Support guidelines (www.state.sc.us/dss/csed/calculator.htm). The family court uses a formula that includes the income of each parent and various costs (health insurance, extraordinary medical expenses and daycare expenses) for the child. Through a calculation set by law, child support may then be determined. Child support may be paid on a weekly, bi-weekly, semi-monthly, or monthly basis. It may be paid directly to the custodial parent or paid through the clerk of court's office, with an administrative fee added to the payment. For additional information concerning paternity testing and child support, go to www.state.sc.us/dss/csed/faqs.htm.

Can I place my child for adoption?

Parents may allow their child to be adopted if both parents give written consent to the adoption (S.C. Code

Ann. § 63-9-330). The family court may allow the adoption of a child without the consent of the child's father if that father has never exercised any of his rights, duties, responsibilities or obligations related to the child (S.C. Code Ann. § 63-9-310).

Can a child be taken away from a parent?

Parenting is both a right and a responsibility. If a parent cannot meet his or her responsibilities to their child or if the parent causes the child to be in circumstances that could be harmful to the child's health or welfare, the family court may remove the child from that parent's custody.

Can I protect my rights as a putative father?

A putative father is a man who has fathered a child with a woman to whom he is not married. South Carolina has a Responsible Father Registry which allows a putative father to be notified if an adoption or termination of parental rights action involving his child occurs. A putative father may register before or after the birth of the child. Any man who thinks he is the father of a child by a woman to whom he is not married may register as a responsible father (S.C. Code Ann. § 63-9-810). More information on the Responsible Father Registry may be found at <https://ssl.sc.gov/DSSFatherRegistry/FatherReg/RegIndex.aspx>.

DEALING WITH DOMESTIC VIOLENCE

No one — that includes your boyfriend, girlfriend, or any family member — has the right to hurt you. Unfortunately, however, verbal and physical abuse among intimate partners and family members does occur. It may begin with shouting and escalate to hitting and, in some cases, even deadly force. Such abuse — referred to as domestic violence — cuts across all cultures, ethnic backgrounds, education levels, and income brackets. It happens to teenagers and senior citizens, and men as well as women, whether they are married or not.

What is domestic violence?

The law defines domestic violence as causing or attempting to cause physical harm or injury to a person's "household member," offering or attempting to cause

harm with the apparent present ability to create fear of imminent peril (S.C. Code Ann. § 16-25-20). Household members are defined as a spouse; a former spouse; persons who have a child in common; or persons cohabiting or formerly cohabiting (S.C. Code Ann. § 16-25-10). If someone cannot be considered a “household member,” under the law or in some other circumstances, criminal offenses such as assault or stalking might be applicable.

Such violence is usually behavior driven by a need to control, and can range from hitting, threats, annoying phone calls, stalking (such as following the victim to and from work and threatening the victim), unwanted sexual touching, and the destruction of the victim’s personal property. Data suggests that women ages sixteen through twenty-four are victimized by intimate partners at a higher rate than any other group.

How can the law help me if I’m battered?

If you are in immediate danger, call 911. When the police arrive, explain what happened. The police officers can inform you how to petition the Family Court for an Order of Protection under the Protection from Domestic Abuse Act. A hearing can be granted on an emergency basis, which can mean as early as the next day. The order can last between six months and a year (S.C. Code Ann. § 20-4-70). In addition to keeping the abuser from being around or communicating with you, the Order can make provisions for child custody, support, property restraining orders, and attorney fees. But, do not harbor a false sense of security. A restraining order may lower the risk of violence, but it does not eliminate it.

Victims of domestic violence also may be eligible for legal assistance, shelters, relocation funds, children’s services, free counseling, and other services. For more information, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233), or check www.sccadvasa.org for links to your local resources. For TTY, call 1-800-787-3224.

Can I make a criminal complaint against my abuser?

Yes. If you have been abused, call the police immediately. Seek hospital treatment and keep a record of injuries and the names of witnesses, police officers, and medical attendants. You should keep copies of all medical reports, as well as any photos that were taken

of your injuries. If the police are called, there is evidence of physical injury, and the police have probable cause to believe there has been abuse, the police are required to arrest the suspect (S.C. Code Ann. § 16-25-70).



CRIME AND CONSEQUENCES

What is a crime?

A crime is an act or omission which has been declared illegal by the legislature or the common law and as clarified by the courts. For example, entering a dwelling at night without consent and with the intent to commit a crime therein is burglary in the first degree (S.C. Code Ann. § 16-11-311(A)).

Are there different classifications of crimes?

Yes. Generally, more serious crimes are designated as “felonies” and less serious crimes as “misdemeanors” by the legislature (S.C. Code Ann. §§ 16-1-90, -100). All offenses with a term of imprisonment of less than one year are misdemeanors (S.C. Code Ann. § 16-1-10(C)). By statute, the legislature has further divided felonies and misdemeanors into sub-categories or “classes” for sentencing purposes (S.C. Code Ann. § 16-1-10). Although other states distinguish felonies and misdemeanors according to the possible sentence, South Carolina does not. For example, some crimes that carry up to ten years are designated misdemeanors. South Carolina law classifies crimes as violent or nonviolent, which primarily affects parole eligibility (S.C. Code Ann. §§ 16-1-60, -70).

What if I did something illegal without realizing it was a crime?

South Carolina courts have long held that ignorance of the law is no excuse. *Benn v. Camel City Coach Co.*, 160 S.E. 135 (1931). If you engage in illegal conduct, even without knowing the conduct is illegal, you are still guilty of a crime.

What happens if I am arrested?

If you are arrested, you will be searched and transported to the police station. At the police station, you will probably be questioned by the police. You may assert your right to silence or your right to counsel. The police will probably take your fingerprints and confiscate your personal belongings. In most cases, the police will take your clothing and provide you with attire issued by the detention facility. A person arrested in South Carolina has the right to know why he or she has been arrested. It is unlawful for the officer to refuse to answer or to answer falsely (S.C. Code Ann. § 17-13-50).

What happens after I have been arrested and booked?

If you are charged with a bail-able offense (one for which the punishment is not death or life imprisonment) you must have a bond hearing within twenty-four hours of arrest (S.C. Code Ann. § 22-5-510 (B)).

Can someone post my bail?

Yes. If a person is charged with a noncapital offense, the court may order the person released on his or her own recognizance without a surety in the amount specified by the court. On the other hand, if the court determines that releasing a person on his or her own recognizance will not reasonably ensure the appearance of the person as required, or the person is an unreasonable danger to the community, then the court may require the person satisfy certain conditions before release. Those conditions may include the execution of an appearance bond in a specified amount with sufficient sureties, placement of the person in the custody of a designated person or organization agreeing to supervise the person, placement of travel restrictions, or other reasonably necessary conditions (S.C. Code Ann. § 17-15-10). In lieu of requiring actual posting of bail, the court may also permit a person to deposit cash with the clerk of court in an amount not to exceed ten percent of the bail amount. When the conditions of the bond are met, the clerk will return the funds to the person (S.C. Code Ann. § 17-15-15).

What do I do if I can't afford an attorney?

You are entitled to an attorney but not necessarily to an attorney of your own choosing (S.C. Code Ann. § 17-23-60). If you so choose, you should request counsel at your earliest opportunity. For some, the earliest opportunity may be when the person is questioned by police. For others, the earliest opportunity may be when the person is placed into a detention facility. Regardless, a person charged with a crime and wishing to employ the services of counsel should request the appointment of counsel at the earliest possible moment. The application for a public defender requires a forty-dollar application fee, which may be deferred by the clerk of court or appropriate official (S.C. Code Ann. § 17-3-30(B)).

What happens if I help a minor break the law?

If you help a minor break the law, you could be charged with criminal offenses as well. In fact, South Carolina makes it illegal for any person over the age of eighteen to knowingly and willfully encourage, aid or influence a minor to violate any law (S.C. Code Ann. § 16-17-490 (1)).

What could happen if I lie or file a false police report?

It is unlawful for a person to knowingly file a false police report (S.C. Code Ann. § 16-17-722 (A)). A person convicted of falsely reporting a felony can be sentenced up to five years in prison and fined up to \$1000 (S.C. Code Ann. § 16-17-722 (B)). If a person testifies falsely, the person may be found guilty of perjury and sentenced up to five years in prison and fined (S.C. Code Ann. §§ 16-9-10 (A)(1), (B)(1)). If a person willfully gives false, misleading or incomplete information on a document, record, report or form required by the laws of South Carolina, the person is guilty of perjury and can be sentenced up to six months and fined not less than \$100 (S.C. Code Ann. §§ 16-9-10 (A)(2), (B)(2)).

What can I do if I think a police officer is mistreating me?

You may seek the advice of an attorney regarding any legal remedies against the officer you may have. You may file a complaint with the officer's internal affairs department. You may also contact the South Carolina Law Enforcement Division (SLED), South Carolina Attorney General's office, United States Attorney General's office or the Federal Bureau of Investigations.

Could I be tried as an adult even before I turn eighteen?

Yes. In South Carolina, a "child" or "juvenile" means a person younger than seventeen years of age (S.C. Code Ann. § 63-19-1210(1)). Therefore, if you are seventeen and commit a crime in South Carolina, you can be tried as an adult. Additionally, under certain circumstances, a child may be tried as an adult if the court makes a determination that it is in the best interest of the child or of the public (S.C. Code Ann. § 63-19-1210). For example, if a fourteen-year-old is charged with a felony carrying a maximum sentence of fifteen years or more, the person could be tried as an adult (S.C. Code Ann. § 63-19-1210(10)).

GANG VIOLENCE AND THE LAW

South Carolina has enacted the Criminal Gang Prevention Act (S.C. Code Ann. § 16-8-210, et. seq.). According to state law, a criminal gang is a group of five or more people who band together for the purpose of committing criminal acts and who knowingly and actively participate in a pattern of criminal gang activity (S.C. Code Ann. § 16-8-230(2)). This Act establishes criminal offenses and penalties specific to gang members. For example, the Act makes it unlawful for a gang member to use physical violence against another person to convince that person to participate in gang activity (S.C. Code Ann. § 16-8-240(A)). The Act also allows law enforcement to take money, computers, phones or other property they believe was used in a pattern of criminal gang activity, or to further the interests of a gang.

What is the "three strikes law"?

Put simply, the "three strikes law" in South Carolina provides a person with two opportunities before the person is "out." A person who is convicted of a three offenses designated as either "serious" or "most serious" (or any combination of the two) is sentenced to life without the possibility of parole. The statute includes a federal or out-of-state offense that would be classified as a serious offense or most serious offense under South Carolina law (S.C. Code Ann. 17-25-45 (B)). The statute also defines which offenses are considered "serious" crimes. For example, burglary of a building in the second degree is a "serious" offense (S.C. Code Ann. § 17-25-45 (C)(2)(b)).

Similarly, South Carolina law compels the sentencing of a person to life imprisonment without the possibility of parole if the person is convicted of a second crime defined as a most serious offense. Specifically, the statute provides that a person who is convicted of a "most serious" offense must be sentenced to a term of imprisonment for life without the possibility of parole if that person has one or more prior convictions for a "most serious" offense, a federal or out-of-state conviction for an offense that would be classified as a most serious offense under South Carolina law or a combination of those two (S.C. Code Ann. 17-25-45 (A)). The statute defines "most serious" offenses. For example, murder is a "most serious offense" (S.C. Code Ann. § 17-25-75(C)(1)).

Can I get my criminal record sealed?

Pursuant to South Carolina's Juvenile Justice Code, the records of the court concerning juvenile cases are confidential and available only by court order to people with a legitimate interest in the records. The records are always available to the legal counsel of the juvenile (S.C. Code Ann. § 63-19-2010). Additionally, law enforcement records and information identifying children are confidential and may not be disclosed, except it may be shared among law enforcement agencies, prosecutors and other specific state agencies (S.C. Code Ann. § 63-19-2030(D)).

If my record is sealed, is it really out of reach?

Maybe. The court may order the disclosure of the records to a person with a legitimate interest. Also if the juvenile initiates an action, then the records are open to inspection without a court order if the records are necessary to defend against the action (S.C. Code Ann. § 63-19-2020(A)). Additionally, you may petition for destruction of juvenile records. If you have been adjudicated delinquent for a status offense or a nonviolent offense, you may petition the court for an order destroying all official records relating to your adjudication (S.C. Code Ann. § 63-19-2050).

What are some consequences of having a criminal record?

A person who has been convicted in a state or federal court of record of a crime punishable by imprisonment for more than one year and whose civil rights have not been restored by pardon or amnesty may not serve on a jury (S.C. Code Ann. § 14-7-810(1)).

It is unlawful for a person who has been convicted of a violent offense to possess or acquire handguns in South Carolina (S.C. Code Ann. § 16-23-30(B)).

Additionally, a person who is convicted of a crime may be ineligible for food stamps (21 U.S.C. § 862(A)). When a person is convicted of certain crimes, such as driving under the influence, his or her driver's license may be suspended (S.C. Code Ann. § 56-5-2990(A)).

A person convicted of any state or federal drug offense, including possession of marijuana, is not eligible for federal higher education grants, loans or work study assistance unless a significant amount of time has passed since the conviction or the person obtains a

waiver (20 U.S.C. § 1091(r)).

People who have been convicted of any felony or convicted of any alcohol or drug-related misdemeanor within the past academic year are not eligible for the Palmetto Fellows, (S.C. Code Ann. § 59-104-20(B)), (HOPE S.C. Code Ann. § 59-150-370), or (LIFE S.C. Code Ann. § 59-149-90), scholarships offered by South Carolina. Typically, a felony conviction will preclude military service (10 U.S.C. § 504(a)).

Are there state and federal criminal laws?

Yes. Both state and federal laws make certain acts illegal and provide for penalties upon conviction for an offense. A person can be tried by both state and federal courts for a single act if it is determined that the act violated both laws.

What are some common federal crimes?

- Tax evasion (26 U.S.C. § 7202);
- Counterfeiting (18 U.S.C. § 473);
- Transporting a stolen vehicle in interstate commerce (18 U.S.C. § 2312);
- Failure to pay child support for a child living in another state (18 U.S.C. § 228);
- Causing damage to religious real property (18 U.S.C. § 247(a)(1));
- Bank Robbery (18 U.S.C. § 2213); or
- Theft of mail (18 U.S.C. § 1708).

GUNS AND OTHER WEAPONS

When you turn eighteen, you are legally old enough to buy a rifle, shotgun, or handgun if you choose (S.C. Code Ann. § 16-23-30). But if you do, be aware of the responsibilities, safety rules, and dangers associated with firearms. In 2007 alone, some 31,224 people died in firearm-related accidents, homicides and suicides nationwide — more than 17,352 of them dying from self-inflicted gunshot wounds (suicide).

What are some of the laws regulating guns and other weapons?

It is illegal to:

- Carry a handgun in a public place or in any other area where it is forbidden, subject to certain limited exceptions (S.C. Code Ann. § 16-23-20);
- Possess a handgun if you have been convicted of a felony or adjudicated mentally incompetent (S.C. Code Ann. § 16-23-30);
- Possess blackjacks, knives, razors, slingshots, or metal knuckles when used with the intent to commit or further a crime (S.C. Code Ann. § 16-23-460);
- Carry a knife with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death while on school grounds, except by those persons authorized by law (S.C. Code Ann. § 16-23-430); or
- Possess a tear gas gun or ammunition except in limited circumstances (S.C. Code Ann. § 16-23-470).

Could I get in trouble for simply pointing a gun at someone?

Yes. It is against the law to threaten anyone with a deadly weapon, present or point a loaded or unloaded firearm at another person (except in self-defense), or to carry such a weapon without a license (S.C. Code Ann. §§ 16-23-410, -460).

Are there any restrictions on where I can practice my shooting?

Yes. You cannot shoot any firearm from or onto a public road or highway in any city. It also is against the law to shoot a firearm at or into any house, building, or occupied vehicle, aircraft, or watercraft, and, of course, at any other human being (S.C. Code Ann. § 16-23-440).

You should also check the ordinances and regulations for your city or county to make sure there are no prohibitions on discharging a firearm within the city or county limits.

Do I need a license to hunt?

Yes. In South Carolina, you must have a license to hunt, fish, or take any fish or wildlife (S.C. Code Ann. § 50-9-10). If you were born after June 30, 1979, you will need a “certificate of completion” from a hunter-safety training course to get such a license (S.C. Code Ann. § 50-9-320).

Licenses are valid July first through June thirtieth of the following year and must be renewed annually (S.C. Code Ann. § 5-9-20). You must carry your license on your person while hunting or fishing, and must produce the license when requested to do so by law enforcement (S.C. Code Ann. § 5-9-50).

Anyone convicted of hunting or fishing without a license may be fined between \$50 and \$500, or imprisoned for no more than thirty days (S.C. Code Ann. § 50-9-10).

HATE CRIMES

A hate crime is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 U.S.C.A. §249).

What are some examples of hate crimes?

Hate crimes take many forms. Such a crime could be a physical assault, an attempted assault or simply the threat of an assault. It could be any crime motivated by the offender’s bias. A threatening phone call, a swastika on your door, a burning cross on your lawn, paint splatters on your car or other damaged property could be evidence of a hate crime. A hate crime can include the willful and malicious disturbance of religious worship (S.C. Code Ann. §16-17-520). A hate crime is different from a hate incident, which is hate-motivated conduct (such as a bigoted insult, taunt or slur) that is protected by the individual’s First Amendment right to freedom of expression.

How can I stop someone from continuing to harm me?

If you know the person's identity, you could ask the court for a restraining order. Your city attorney or the Attorney General's Office can request such an order for you in some circumstances. See for instance (S.C. Code Ann. §16-3-1750 et. seq.) regarding harassment/stalking. Additionally, you may be able to prevent the person from coming on or about your property (S.C. Code §16-11-620). You can also talk to someone that you trust, either at school or another secure location. You can talk to the police and tell them about the incident as well.

What will happen to the person who harmed me?

If there is enough evidence of a hate crime, the city attorney or circuit solicitor could prosecute your alleged attacker. Depending on the facts of the case, your assailant could face prison time, probation, community service, house arrest, a fine and/or restitution. If the crime is a felony, the assailant will be looking at a much more severe sentence and the judge could add years onto the offender's prison sentence. South Carolina is one of the few states that do not have specific hate crime statutes.

As part of any sentence, the judge could order restitution as well. This means that the convicted person would have to pay you back for actual damages or losses. Such costs might include your medical bills, for example, or the removal of racist slurs from a fence. See, for example, (S.C. Code Ann. §17-25-120) malicious injury to property and generally (S.C. Code Ann. §17-25-322 et.seq.)



SURFING THE INTERNET

You talk to your friends via the internet. You research school papers online. You may even buy birthday presents, sell used sporting gear and make your weekend plans in cyberspace. For many in your generation, the internet is a central part of your day-to-day life. But surfing the internet also involves some risks. You cannot always be sure who's at the other end of an online conversation. Someone could misuse your private information if you're not careful. And if you hack into someone else's computer or download certain material, you could wind up in trouble.

Is downloading information, pictures or music off of the internet ever against the law?

Yes, sometimes. You could get into trouble, for example, if you download sexual pictures of children or young teens. Possession of or control over "child pornography" (any matter depicting a person under the age of 18 engaged in or simulating sexual conduct) is a crime, and carries substantial penalties (S.C. Code Ann. §16-15-405). In addition, it is illegal to download certain other material as well. See the Computers, the Internet and Theft section.

Is it safe to give out personal information online?

It is never completely risk-free. So, if you do provide personal data online, take some precautions. For example, never give personal identifying information (such as your Social Security number) to businesses or agencies that contact you first — even if the e-mail or online advertisement looks official. It can be difficult to distinguish legitimate offers from those who want such information for fraudulent purposes.

If you shop online, look for indications that the website is secure before you enter a credit card number or other personal data (See Top 10 Tips for Identity Theft Prevention and Protecting your Identity).

If I meet someone online, what's the harm in sharing more about myself?

It may seem safe — and even easier than in person — to share your innermost secrets with someone via the internet. Your newfound friend may seem to understand you better than anyone else. The problem is that you do not really know who is on the other end of the online conversation. Protect yourself. Avoid revealing personal

identifying information, such as your name, where you live, or where you go to school to anyone you meet online. He or she may not be anything like the person portrayed in your online friendship, and may have dangerous motives in mind. More information on internet safety and sexual predators can be found at the National Sexual Violence Resource Center's website in its Online Resource Collection (www.nsvrc.org/publications/online-special-collections) and at www.fbi.gov.

I've seen some great deals and chances to win big on the internet. Should I be skeptical?

Absolutely. Internet crime is increasingly common. The FBI received more than 298,000 complaints in 2016 alone, with South Carolina reporting 3,500 of those. (www.ic3.gov/media/annualreport/2013_IC3Report.pdf). Victims report fraudulent internet auctions, credit/debit card fraud, hit man scams, counterfeit checking scams and purchased merchandise that was never delivered. For more information on common types of internet fraud and how to protect yourself, go to www.fbi.gov. Victims can file complaints with the Internet Crime Complaint Center (a partnership between the FBI, the National White Collar Crime Center and the Bureau of Justice Assistance) at www.ic3.gov.

Can my boss legally monitor my e-mails and the websites that I visit while I'm at work?

Probably. You should not expect privacy when you use your workplace computer to send e-mails and surf the internet. However, check with your employer regarding the privacy policy for your particular workplace.

Computers, the Internet and Theft

The law prohibits:

- Pirating or downloading copyrighted material (such as music, movies or games) without authorization. Under federal law, criminal copyright infringement, including infringement without monetary gain, is punishable by up to five years in federal prison and a fine of \$250,000;
- Accessing someone else's computer, computer system or computer network without authorization (SC Code Ann. §16-16-20);
- Accessing someone else's online accounts without authorization. Punishable by a fine and up to five

years in federal prison (Stored Communications Act (18 U.S.C. §§ 2701, -12);

- Devising and executing schemes to obtain money, property or services with false or fraudulent intent through a computer (S.C. Code Ann. §16-16-20);
- Deleting, damaging or destroying systems, networks, programs, databases or components of computers without authorization (S.C. Code Ann. §16-16-20);
- Disrupting or denying access to the authorized users of a computer (S.C. Code Ann. §16-16-20); and
- Introducing contaminants or viruses to a computer (S.C. Code Ann. §16-16-20).

TIPS FOR SOCIALIZING ONLINE

DON'T:

- Post your cell phone number, address or the name of your school;
- Post your friends' names, ages, phone numbers, school names or addresses;
- Add people as friends to your site unless you know them in person;
- Communicate with people you don't know.
- Give out your password to anyone other than your parent or guardian;
- Meet in person with anyone you first "met" on a social networking site;
- Respond to harassing or rude comments posted on your profile;
- Make or post plans and activities on your site;
- Post photos with school names, locations, license plates or signs;
- Post photos with the name of your sports team;
- Post sexually or text provocative photos;
- Don't post improper material on social media sites from a school owned computer;
- Respond to threatening or negative e-mails or IMs. If you receive such messages report them to a parent, guardian, teacher or the police; or
- Use social media to bully or threaten others. Bullying is one of the most serious problems in schools today. Vicious treatment and hateful words between students often lead to violence, suicide, depression and discrimination among the student body.

When a student turns to social media, blogs or virtually any online space as a forum for hurtful

speech, the risks are unmeasurable. Not only does that student face expulsion, but also serious criminal prosecution.

DO:

- Check the privacy settings of the social networking sites that you use;
- Set privacy settings so that people can only be added as your friend if you approve them;
- Set privacy settings so that people can only view your profile if you have approved them as a friend;
- Remember that what you share online can be shared by friends to anyone they know;
- Remember that posting information about your friends could put them at risk;
- Consider going through your blog and profile and removing information that could put you at risk;
- Delete any unwanted messages or friends who continuously leave inappropriate comments;
- Report comments to the networking site if they violate that site's terms of service;
- Save or print questionable activity and include date and time; and
- Tell your parents or guardian if anything happens that makes you feel scared, uncomfortable or confused.

PROTECTING YOUR IDENTITY

What is identity theft?

Identity theft is the unlawful use of your personal identifying information. Identity thieves impersonate you and use your information to get credit or money and for other criminal purposes, such as obtaining employment under false pretenses or avoiding identification by law enforcement (S.C. Code Ann. § 16-13-510(A) – (C)). Your personal identifying information can include your Social Security number, your driver's license number, your bank and credit card account numbers, your name, your personal identification numbers, your address and your passwords (S.C. Code Ann. § 16-13-510(D)). Identity theft can ruin your personal credit. It can affect your ability to get students loans, a car or a job. And, it can take hundreds of hours to undo the damage.

On average more than 3,000 South Carolina residents are victims of identification theft annually. Nationally nearly one-third of all of those victims are people

ages 18-29 (Consumer Sentinel Network Data Book, Federal Trade Commission, February 2015).

Thieves may rummage through your trash, steal your wallet or “skim” encoded data off of your credit card. Or, they may go “phishing” (using misleading e-mails and fraudulent websites to trick you into revealing personal data). They could also plant “spyware” software that collects personal information as it is keyed into your computer.

How can I protect myself against identity theft?

In today’s society, there is no way to protect your identity completely. Personal identifying information is used routinely to access one’s bank account, for example, or to apply for a loan. In some cases, you will be required to provide such information. Unfortunately, some identity thieves go undetected for long stretches of time. The victim only discovers the situation after an unsolicited credit card arrives in the mail or a debt collector calls about an unpaid — and unfamiliar — debt. Still, you can take certain steps to help avoid identity theft.

First, be sure to monitor all of your financial accounts, such as bank and credit card accounts, on a monthly basis. Check each account statement carefully to look for any unusual financial activity.

Second, be sure to check your credit report at least once a year. If you have not yet established a credit history, do not be alarmed if you initially receive a message indicating “report not found.” That should be good news. If, however, you find inaccurate information on your report, contact all three major credit bureaus:

- Experian: 1-888-397-3742 / www.experian.com
- Equifax: 1-800-685-1111 / www.equifax.com
- TransUnion: 1-800-680-7289 / www.transunion.com

What do I do if my identity is stolen?

If you suspect that your personal information has been misappropriated to commit fraud or theft, take action immediately.

- Call the toll-free number for any one of the three major credit bureaus to place a fraud alert on your credit report. As soon as the credit bureau confirms your fraud alert, the other two credit bureaus will automatically be notified to place fraud alerts on your credit report, and all three reports will be sent to you free of charge;

- Order your credit reports and review all of your information carefully. Specifically, check for any new open accounts;
- Close any accounts that have been tampered with or opened fraudulently. If you’re closing existing accounts and opening new ones, use new Personal Identification Numbers (PINs) and passwords. If there are fraudulent charges or debits, ask the company for the form to file to dispute the transactions; and
- Report the theft/fraud to law enforcement. File a report with your local police or the police in the community where the identity theft took place (S.C. Code Ann. § 37-20-130). Keep a copy of the report. You may need it to validate your claims to creditors. If you can’t get a copy, at least get the report number. In addition, you can register a complaint with the Federal Trade Commission (FTC), fill out the FTC’s ID Theft Affidavit (available at www.ftc.gov/complaint), and contact all affected creditors. Also, you will need to send certain information to the businesses, banks and credit card companies where your identity was used to obtain credit.

Helpful Resources:

For guidance, visit the websites of the South Carolina Department of Consumer Affairs (www.consumer.sc.gov), the Identity Theft Resource Center (www.idtheftcenter.org), the Privacy Rights Clearinghouse (www.privacyrights.org) and the Federal Trade Commission (www.ftc.gov).

Tired of telemarketers?

Register your personal cell phone and home phone numbers for free with the “Do Not Call Registry” by calling 1-888-382-1222 toll free or by visiting www.ftc.gov. Most telemarketers should not call your telephone number once it has been on the registry for 31 days.

TOP 12 TIPS FOR IDENTITY THEFT PREVENTION

- 1. Protect your Social Security number.** Don't carry your social security card in your wallet. South Carolina law prohibits the printing of social security numbers on public documents such as health plan identity cards, and requires companies and public agencies with documents containing a social security number to remove those numbers at the request of any individual whose number is on the document. Federal law prohibits anyone to require you to print your Social Security number or other personal information such as driver's license numbers on checks. Never have this type of information added to your checks (S.C. Code Ann. § 37-20-180).
- 2. Photocopy financial and insurance cards.** Copy all cards you carry in your wallet, as well as your driver's license, and keep the copies in a safe place. If your wallet is stolen or lost, report the loss to the issuers immediately.
- 3. Fight "phishing"—don't take the bait.** Scam artists "phish" for victims by pretending to be banks, stores or government agencies. They do this over the phone, in emails and in the regular mail. Don't give out your personal information—unless you made the contact. Don't respond to a request to verify your account number or password. Legitimate companies will not request this kind of information in this way.
- 4. Be wary of responding to email messages.** Email messages can appear to be from your bank or credit union asking you to provide personal identity information such as your social security number or log-in passwords. Real financial institutions will never ask you for this information for any reason. If an email from your bank or credit union asks you to click on a link to take you to its website, don't do it. Instead, visit the institution's website on your own. Sometimes, scammers create false websites that closely resemble the real ones. If your identity is stolen, keep a record of the steps you have taken to clear your name. Contact the fraud departments of the three major credit reporting bureaus, contact creditors and close accounts that have been tampered with, order new credit cards with new personal identification numbers (PINs), report fraudulent use of your Social Security number to the Social Security Administration (800-772-1213), file a report with your local police and file a complaint with the Federal Trade Commission (1-877-IDTHEFT).
- 5. Keep your identity from getting trashed.** Shred or tear up papers with personal information before you throw them away. Shred credit card offers and "convenience checks" that you don't use.
- 6. Control your personal financial information.** South Carolina law requires your bank and other financial services companies to get your permission before sharing your personal financial information with outside companies. You also have the right to limit some sharing of your personal financial information with your companies' affiliates (S.C. Code Ann. §37-20-180). Consumers can use a security freeze to combat identity theft and financial fraud. A security freeze is free and can be placed on your credit report preventing anyone from accessing the report without your permission. To activate a freeze, contact each of the major credit reporting agencies: Equifax: www.freeze.equifax.com ; Experian: www.experian.com/freeze ; and TransUnion: www.transunion.com.
- 7. Shield your computer from viruses and spies.** Protect your personal information on your home computer. Use strong passwords with at least eight characters, including a combination of letters, numbers and symbols, easy for you to remember, but difficult for others to guess. Use firewall, virus and spyware protection software that you update regularly. Steer clear of spyware. Download free software only from sites you know and trust. Don't install software without knowing what it is. Set Internet Explorer browser security to at least "medium." Don't click on links in pop-up windows or in spam email.
- 8. Click with caution.** When shopping online, check out a website before entering your credit card number or other personal information. Read the privacy policy and look for opportunities to opt out of information sharing. (If there is no privacy policy posted, beware! Shop elsewhere.) Only enter personal information on secure web pages with "https" in the address bar and a padlock symbol at the bottom

of the browser window. Also look for the letters “https” beginning the website’s URL. (The “s” in “https” stands for “secure.”) These are signs that your information will be encrypted or scrambled, protecting it from hackers.

To learn more about protecting your personal information, visit www.consumer.gov/idtheft.

- 9. Check your bills and bank statements.** Open your credit card bills and bank statements right away. Check carefully for any unauthorized charges or withdrawals and report them immediately. Call if bills don’t arrive on time. It may mean that someone has changed contact information to hide fraudulent charges. If available, use automatic payment options for bills that you pay regularly, or check with your bank to see if they offer an online bill payment program (most banks offer them free of charge to most customers.) This will cut down on the number of bills coming by mail, and checks that you have to mail back.
- 10. Stop pre-approved credit offers.** Stop most pre-approved credit offers. They make a tempting target for identity thieves who steal your mail. Have your name removed from credit bureau marketing lists. Call toll-free 1-888-5OPTOUT (567-8688).
- 11. Ask questions.** Ask questions whenever you are asked for personal information that seems inappropriate for the transaction. Ask how the information will be used, if it will be shared and how it will be protected. Explain that you’re concerned about identity theft. If you’re not satisfied with the answers, consider going somewhere else.
- 12. Check your credit reports—for free.** One of the best ways to protect yourself from identity theft is to monitor your credit history. You can get one free credit report every year from each of the three national credit bureaus: Equifax, Experian and TransUnion. Request all three reports at once, or be your own no-cost credit-monitoring service. Just spread out your requests, ordering from a different bureau every four months. (More comprehensive monitoring services from the credit bureaus cost from \$44 to over \$100 per year.) Order your free annual credit reports by phone, toll-free, at 1-877-322-8228 or online at www.annualcreditreport.com. Or you can mail in an order form.



CIVIL LAWS AND LAWSUITS

In general, legal actions are divided into two categories: criminal and civil. Civil actions are lawsuits in which someone files a lawsuit against someone else seeking relief in the form of: injunctive relief (an order requiring someone to do something or not to do something); monetary damages (money); declaratory judgment (an order declaring the rights of the parties) or something else to compensate for an injury or damaged property. When you turn eighteen, you can sue or be sued in civil court.

NOTE: If someone sues you, do not ignore it.

There are several areas of civil law that can be categorized into three general areas — contract law, property and tort law.

- **Contract Law:** A contract is an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law. Certain contracts must be in writing (e.g., contracts for the sale of an interest in land or contracts that cannot be performed within one year). Always be sure to read any contracts you sign.
- **Property Law:** There are various types of property (personal property, real property and intellectual property). When you purchase or rent real estate, it is governed by property law.
- **Tort Law:** A “tort” is the legal term for certain kinds of intentional or unintentional acts that cause injuries or damages to a person, property or reputation that could lead to a lawsuit. Some torts are also crimes, so you could be tried in two courts for the same conduct.

Examples of torts include:

- **Assault** — conduct that places another person in reasonable fear of bodily harm
- **Battery** — the actual infliction of any unlawful, unauthorized violence on the person of another, regardless of its degree
- **Negligence** — the failure to act in a way that a reasonable prudent person would in a similar situation
- **False imprisonment** — intentionally and unlawfully restraining someone without justification, such as keeping someone in a room or car or other place so

he or she can't leave

- **Defamation** — making a written or spoken attack on the reputation or good name of a person

Is there any time limit for filing a lawsuit?

Yes. Statutes of limitations are laws that set time limits for filing lawsuits. For example, the time limit is generally two years from the time of the injury for personal injury lawsuits. For lawsuits involving fraud, contracts or property damage, it is three years from the date that the damage occurred. Generally, if you had the right to assert a claim before you turned eighteen, you have one year from the time that you turned eighteen to file suit. However, there is a special rule for medical malpractice actions.



THE COURTS IN SOUTH CAROLINA

South Carolina courts handle disputes on a variety of topics. Cases fall into two general categories — civil and criminal. Civil court is also known as Common Pleas and criminal court is also known as General Sessions. Civil cases involve disputes between individuals; criminal matters involve situations where an individual has violated or broken a provision of a law.

As with the other two branches of government, the judicial branch exists at both the state and federal level.

SOUTH CAROLINA FEDERAL COURTS

The federal courts in South Carolina are the U.S. District Court and the U.S. Bankruptcy Court. The district court handles both civil and criminal matters. The bankruptcy court handles only bankruptcy matters. There are federal district courts in Columbia, Charleston, Florence and Greenville. The district court is a trial court, where both sides (“parties”) present their evidence. Each party may call witnesses and present other evidence for the court to review. Cases may be tried by a judge alone or before a jury. There are currently fifteen U.S. District Court judges and eight U.S. Magistrate judges in South Carolina. Appeals from a South Carolina district court are made to the U.S. Court of Appeals for the Fourth Circuit (which includes Maryland, North Carolina, South Carolina, Virginia, and West Virginia). A decision of the Fourth Circuit Court of Appeals may be appealed to the U.S. Supreme Court. Certain decisions of the South Carolina Supreme Court may also be appealed to the U.S. Supreme Court.

SOUTH CAROLINA STATE COURTS

Supreme Court

The South Carolina Supreme Court is the “court of last resort” for most state cases. The Supreme Court has both appellate and original jurisdiction. While some cases may actually start at the Supreme Court, most cases are in the Supreme Court because one or both parties asked the Supreme Court to review the Court of Appeals’ decision. Other types of cases are appealed directly the trial court to the Supreme Court. These cases involve issues such as; death sentences, public utility rates, constitutional challenges to state statutes or local ordinances, public debts, election laws, and limitations on a grand jury. The Supreme Court may also hear a

direct appeal from the family court when the issue concerns a minor’s request for an abortion. Finally, the Supreme Court can agree to answer questions of law asked (“certified”) to it by the highest court of another state or by a federal court.

The Supreme Court also has the responsibility for governing the admission to the practice of law, disciplining attorneys, writing rules of procedure that apply to all state courts, and administering the State’s unified judicial system. The administration includes setting terms of court (when court will be held in each county), determining where judges will be assigned, appointing administrative judges, and managing the budget for the judicial system.

The Court consists of the Chief Justice and four associate justices who are elected by the General Assembly to ten-year terms.

Court of Appeals

The Court of Appeals was first created in 1824, and then abolished in 1835. It was reestablished in 1859, and remained in existence for approximately twenty years. It became a permanent part of the judicial system by constitutional amendment in 1983. The Court of Appeals hears appeals from circuit and family court unless the issue is designated as one that goes directly to the Supreme Court. It also hears appeals from administrative law courts. Cases are heard “*en banc*” (by all nine judges) or by a panel of three judges. Decisions are by a majority. The Chief Judge and eight associate judges are elected by the General Assembly to six-year terms.

Circuit Court

The circuit court was established as part of the State’s Unified Judicial System in 1979. The State is divided into sixteen judicial circuits. Each judge is elected by the General Assembly to six-year terms. Each circuit has at least one resident judge who maintains an office in the judge’s home county within the circuit. There are forty-nine circuit court judges who serve the sixteen circuits on a rotating basis.

The circuit court is divided into civil and criminal components. If the case involves a civil matter it will be tried in the Court of Common Pleas. If the case involves a criminal matter it will be tried in the Court of General Sessions. Circuit court judges may preside over both

civil and criminal cases. Both civil and criminal cases may be tried before a jury or may be heard as bench trials, which means before a judge only.

The circuit court may also hear appeals of decisions from magistrate's court, municipal court, probate court and some administrative commissions.

In counties with a population over 130,000, there is also a division of the circuit court called the master-in-equity division. Smaller counties may have a part-time master. Masters-in-Equity are appointed by the Governor on the advice and consent of the General Assembly and serve six-year terms. Cases are referred to a master-in-equity by the circuit court and usually involve interests in real estate like a foreclosure. Appeals from the circuit court are to the Court of Appeals or Supreme Court depending on the subject matter.

Family Court

The family court became part of the South Carolina court system in 1977. Family court judges are elected by the General Assembly for six-year terms. Family courts handle cases related to marriage and family issues such as annulments, divorce, child custody, adoptions, name changes, paternity, child support, visitation issues, abuse and neglect cases, termination of parental rights, and juvenile delinquency cases. The family court will also hear cases where a minor is requesting permission to have an abortion or is asking for permission to join the military when there are no parents to give permission. Appeals from the family court are made to the Court of Appeals or, in limited cases, directly to the Supreme Court.

Probate Court

There are probate courts in each county. Probate judges are elected by popular election for four-year terms. There is one elected judge per county. In larger counties there may also be one or more associate probate judges. Probate judges do not have to be licensed to practice law but are required to have a four-year degree from an accredited college or university or have four years' experience working in the probate court, be at least twenty-one years old, and be a registered voter in the county where they are running for election. Probate courts handle all matters related to the estates of deceased residents such as wills and distribution of

property according to the terms of the will. The probate court also issues marriage licenses, records powers of attorney, approves settlements in civil cases where minors are involved, and determines if an individual needs to be committed for mental health reasons, or is no longer capable of managing their finances or making sound decisions about their care and needs a guardian or conservator appointed. Probate court orders are appealed to the circuit court.

Magistrate Court

Magistrate judges are appointed by the Governor on the advice and consent of the South Carolina Senate for a term of four years. Magistrates are not required to be attorneys; however, they have to pass a certification exam, be a resident of South Carolina for at least five years, and be between twenty-one and seventy-two years old. Magistrates have the ability to hear cases involving traffic offenses; criminal offenses that are punishable by up to thirty days in jail, or a \$500 fine, or both; landlord tenant disputes; and civil actions where the amount in controversy is not more than \$7,500. In addition, magistrates are responsible for setting bail, conducting preliminary hearings, and issuing arrest and search warrants.

Municipal Courts

Municipal courts are often referred to as "city court." Judges are appointed by the governing body of the municipality, typically a city council. The term of a municipal judge is set by the county of the municipality and may not exceed four years. There is no requirement that a municipal judge be an attorney or that they live within the limits of the municipality where they are serving a judge. Municipal judges are required to pass a certification examination and be recertified every eight years. Municipal judges hear cases that are the result of the violations of municipal ordinances, traffic violations that occur within the municipality, and criminal offenses that occur within the municipality that are punishable by no more than thirty days in jail, or a fine of \$500, or both.

Dispute Resolution

South Carolina allows for dispute resolution through mediation or arbitration. Mediation is a process where a neutral third party helps the parties in conflict resolve their dispute. A mediator does not have the ability to decide a case; he or she is simply there to help the parties reach their own decision. Civil cases filed in circuit court and family court may be required to go through mediation.

Arbitration is a process where an impartial, neutral third person hears both sides of the case and makes a decision. The arbitrator's decision can be final ("binding") or not final ("non-binding"). Whether the arbitration is binding or non-binding is usually determined before the arbitration session either by the parties themselves, by the court, or by law or contract. Arbitrators generally provide a written decision that explains the reasons for the outcome. If properly filed, this decision can have the same effect as a formal judgment from a court.

Mediation and arbitration can be faster, less formal, and less expensive than an actual trial depending on the parties and the situation.

Pro Se Litigants

Individuals who do not have an attorney but represent themselves are called "*pro se*" litigants. Non-lawyers can only represent themselves; they cannot represent others or they are practicing law without a license, which is a felony in South Carolina.

The law is changing all the time and can be very complicated. The South Carolina Bar has some general information on its website at www.sctbar.org/public. If you have a legal question, it is better to get advice from an attorney who practices in that area than to try to answer the question on your own.

FINDING LEGAL HELP

How do I find a lawyer?

The South Carolina Bar Lawyer Referral Service can help you find the right kind of lawyer. The toll free lawyer referral service maintains a list of their members who are willing to consult and advise you at a discounted rate of \$50 for the first 30 minute consultation. If additional legal service is needed, the fee is something for you and your lawyer to agree on. You may call the Lawyer

Referral Service at 1-800-868-2284 (statewide) or (803) 799-7100 in Columbia and Lexington counties.

Remember Lawyers and law firms are like hats they come in variety of shapes and sizes. Quality will come from the lawyer who best "fits" the needs of your particular case. You should feel confident about the lawyer's ability, before hiring him or her. Remember, you are looking for a lawyer, not a new friend.

What if I cannot afford a lawyer?

Depending on your income and the nature of your legal problem, you may be able to get free legal help in non-criminal cases from a legal services program. South Carolina Legal Services is a statewide law firm that provides legal services to protect the rights and represent the interest of low-income South Carolinians. To seek their representation, you must call the Legal Aid Telephone Intake Services (LATIS) at 1-888-346-5592. You may also visit their Web site at www.sctlegal.org to gather more information.

The U.S. Constitution guarantees everyone charged with a crime the right to legal counsel. A public defender, or other court appointed attorney, will be appointed for you if you cannot afford to hire an attorney on your own.

For criminal cases, each county in South Carolina has a Public Defenders Office that provides free legal services for those who are indigent and cannot afford a lawyer. For people who can't afford to pay in other matters, you may want to contact Legal Services. They can help with certain kinds of noncriminal cases.

When I meet with a lawyer, what do I need to ask?

If you decide to hire a lawyer, make sure you understand what steps will be involved, who else will be working on the case, what you will be paying for, how their time is billed, an estimate of their total charges, and when you must pay the bills. Ask for a written fee agreement or engagement letter that clearly explains all of this.

Are there other ways to solve a dispute?

Yes. You can use one of several alternative dispute resolution methods to solve your dispute. If you cannot solve the dispute before going to court, you will be required to participate in mediation unless your case

is one of the exceptions to the rule (S.C ADR Rule 3). This applies to most cases in common pleas (civil) and family court and some cases in probate or magistrate court.

Negotiation

In negotiation the parties work directly with each other to resolve their dispute. Attorneys may or may not be involved. Many issues are resolved through this peaceful method of discussion. If your community has a mediation center, you may be able to use their services to solve the problem. If the issue is with a business and you are a customer or a consumer of that business, you may also check with the Better Business Bureau and the S.C. Department of Consumer Affairs to see if they can assist you in resolving the situation.

Mediation

In mediation, a qualified person called a mediator assists the parties in resolving the dispute. A mediator has the education, training and experience required to help the parties settle the matter. The parties make the decisions, not the mediator. The mediator does not coerce or force a party to take a position. The parties maintain control of the outcome. They can either settle the matter in mediation or go to court. Mediation is generally confidential.

Arbitration

In arbitration, a qualified person makes a decision after the parties have presented their sides of the dispute. This decision can be binding or nonbinding. If it is binding, the arbitrator's decision becomes part of a contract between the parties. As with the mediator, the arbitrator has the education, training and experience to make the decision. Arbitration is also generally confidential.

We hope this guide will help you make this important transition into adulthood.

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South Carolina Bar
Law Related Education Division

LOOKING FOR MORE INFORMATION ON THE LAW?

Adoption:

www.sctbar.org/public/get-legal-help/common-legal-topics/adoption

Becoming a Citizen:

www.uscis.gov/USCIS/Resources/B3en.pdf

Birth Control, Abortion:

www.plannedparenthood.org

Buying a Used Car:

www.dmv.org/buy-sell/used-cars

Car Insurance:

www.dmv.org/sc-south-carolina/car-insurance.php

Car Registration, Online:

www.dmv.org/sc-south-carolina/car-registration.php

Center for Heir's Property Preservation:

www.heirsproperty.org

Charleston Pro Bono:

www.charlestonbar.org/CM/Custom/Pro-Bono-Legal-Services.asp

Child Support:

www.dss.sc.gov/child-support

Children and Families:

www.dss.sc.gov

Civil Rights:

www.justice.gov/crt

Community Mediation Center:

<http://midlandsmediation.org>

Consumer Issues:

www.scsos.com/consumer_protection

Courts:

www.sccourts.org

Crime Victims:

www.sova.sc.gov

Divorce and Separation:

www.sccourts.org/forms/indexSRLdivorcepacket.cfm
www.sctbar.org/Public-Information/Self-Represented-Divorce

Domestic Abuse:

www.sccadvasa.org/domestic-violence

Driver's License Changes:

www.dmv.org/drivers-license.php

Employment Resources:

www.scesnet.org

Finding a Lawyer:

www.sctbar.org/Public-Information/Find-a-Lawyer

Health Care:

www.scdhhs.gov

Health Information Privacy:

www.hhs.gov/ocr/privacy

Identity Theft:

www.consumer.ftc.gov/features/feature-0014-identity-theft

Immigration Benefits:

www.dhs.gov/providing-immigration-benefits-information

Lawforkids.org:

<http://sc.lawforkids.org>

Making a Will:

www.sctbar.org/Public/get-legal-help/common-legal-topics/Why-you-need-a-will

Medicaid:

www.scdhhs.gov/service/how-apply

Minority Affairs:

www.state.sc.us/cma

SC Bar Pro Bono Program:

www.sctbar.org/Public-Information/Pro-Bono-Resources

Selective Service Registration:

www.sss.gov

South Carolina Access to Justice Commission:

www.scatj.org

South Carolina Appleseed Justice Center:

www.scjustice.org

South Carolina Center for Fathers and Families:

www.scfathersandfamilies.com

South Carolina Constitution and Laws:

www.scstatehouse.gov

South Carolina First Steps:

www.scfirststeps.org

South Carolina Legal Services:

www.sclegal.org

South Carolina State Government:

www.sc.gov

Supplemental Nutrition Assistance Program:

www.dss.sc.gov/content/customers/food/foodstamp/index.aspx

Upstate Mediation Center:

www.upstatemediation.com

Voting:

www.scvotes.org

