



For ordering information and  
supplements please visit the  
**Texas Lawyers Auxiliary (TLA)**  
link on the Texas Law Related Education website:  
[texaslre.org/studentoutreach.html](http://texaslre.org/studentoutreach.html)

Now  
You  
ARE

18



**NOW YOU ARE 18** is a project of the TEXAS LAWYERS AUXILIARY

The TEXAS LAWYERS AUXILIARY gratefully acknowledges the contributions of the faculty of the SCHOOL OF LAW, ST. MARY'S UNIVERSITY, San Antonio, Texas. For Updated Versions, the TEXAS LAWYERS AUXILIARY expresses its appreciation to the Travis County Bar Association and the Lawyer Referral Service of Central Texas, and to Dean C. Paul Rogers, III, of Southern Methodist University School of Law and to Austin Attorneys Leon Barish, Blair Dancy, Randy Glenn, Michelle Huhn, Tom O'Leary, Brad Reagan, Greg Reed, Bill Rossick, David Sheppard, Todd Wong, County Clerk Dana DeBeauvoir and District Clerk Amalia Rodriguez-Mendoza for consideration and verification of the new material.

**FOUNDING EDITOR and CHAIRMAN (1987 - 1990):**

Ann M. Smith, San Antonio

**GRANT: THE TEXAS BAR FOUNDATION**

**NOTE: THIS BOOKLET IS BASED ON TEXAS LAW AND IS ISSUED TO INFORM AND NOT TO ADVISE**

*This material is a summary of the laws, as they existed in September, 2003 at the time of publication. This is GENERAL and BASIC information only. Laws are constantly changing. Exceptions and special circumstances exist. You should seek legal advice from an attorney of your choice who can take into account all the factors relevant to your particular situation.*

Copyright ©1987 TEXAS LAWYERS AUXILIARY. All rights reserved.

## "A Survival Guide"

Welcome to the adult world! **NOW YOU ARE 18** has been prepared especially for you. Our purpose is to explain to you what some of your new rights are. Some areas of the law that you want to know about and indeed should know about are presented. We tried to project what your questions might be: what should you do if you have a car accident? . . . or, what are your rights if you are arrested? . . . or, what should you look for in buying a used car? . . . or, what are your legal obligations if you marry? **NOW YOU ARE 18** gives you some answers.

The rights explained in this booklet are important. They are your **LEGAL** rights. It is also important for you to know and remember that **ALL** the laws that pertain to your rights cannot be listed in such a short guide. It is our purpose to give you these guidelines to make you aware. Please remember there are exceptions and special circumstances that also affect your rights and responsibilities. **NOW YOU ARE 18** is your basic guide. We hope it will be helpful in your understanding of your rights and responsibilities as an adult.

## Contents

September 2003

General Principles .....	2
Voting .....	3
Jury Duty .....	4
Driving .....	6
Drinking Laws .....	8
Criminal Charges .....	9
Contracts .....	10
Credit .....	12
Consumer Protection .....	14
Marriage, Divorce and Children .....	16
Apartments .....	19
Employment .....	21
Military Service .....	22

## General Principles

**When does a person become an “adult”?** In Texas, as in most states, you become an adult at age 18. Each state may determine its own “age of majority.”

**What does it mean to become an “adult”?** When you become an “adult” you then have certain new rights, i.e., to vote, make contracts in your own name, and to become completely independent. You also have certain new responsibilities and are held personally accountable for your actions.

**When I reach age 18, am I automatically given all the rights of an “adult”?** In Texas, the answer is “yes” with the exception of the laws relating to alcoholic beverages. *Each state may set differing age limits for many situations, including the following:*

- To vote in state and local elections
- To serve on a jury service
- To marry without parental consent
- To make a will
- To work for pay
- To obtain a driver's license
- To be able to examine your credit record

*Some of the rights you have after age 18 that you did not have before are as follows:*

- To sue in your own name
- To make a contract (rent an apartment, buy a car, and/or take out a loan) in your own name
- To obtain medical treatment without parental consent
- To be completely independent from parental control

**What are some of the responsibilities I have after age 18 that I did not have before?**

- In Texas after age 17, criminal charges filed against you will be tried in adult criminal court rather than juvenile court.
- Your parents are no longer required to support you, and they are not liable for accidents you cause.

- Others may sue you on contracts you make.
- You are eligible for jury duty.
- All males are required to register for military service.

## Voting

**What are the requirements for voting?** Every citizen of the United States, 18 years of age or older who is a resident of the State and has been registered to vote for 30 days prior to the election is qualified to vote, and may vote in the precinct in which he or she resides.

**How do I register to vote?** Each person who will be 18 years of age by the next election, who is a citizen of the United States, and who, if he continues to reside in the precinct in which he or she will vote until that election, shall be entitled to register. Once registered, you are not required to register again unless you change your permanent address to a different voting precinct.

**Where do I register to vote?** You apply to the County Registrar (County Tax Assessor-Collector in most counties) or to Deputy Registrars at most State agencies or to high school principals or other designated school officials. The application may be completed at no cost, either in person or by mail. The earliest you may register is up to two months in advance of your eighteenth birthday. You must be registered by a stated deadline to be able to vote in an election.

**Where do I vote?** Your local County Clerk establishes voting locations (polling places), usually at a school, city hall or similar place, within the precinct in which you live. Your precinct number is on your voter registration form. In many locations, newspapers list the voting places by precinct.

**May college students vote in the city where they go to school?** Yes, for voting purposes, a student has a right to choose his or her place of residence. The student may register at college or at the permanent residence to which he or she intends to return. Students registered in their hometown who will be at school at election time may vote by mail, by applying to their local county election administrator (County Clerk in most counties) for an absentee ballot.

## Jury Duty



**Why is jury service important?** The United States Constitution and the Texas Constitution guarantee all people, regardless of race, religion, sex, national origin, or economic status, the right to trial by an impartial jury.

**If called to serve on a jury, do I have to go?** Yes, unless you are excused for some special reason. This is one of the responsibilities of being an adult.

**How are people called to serve on a jury?** A list of names of potential jurors, from all precincts of the county, is prepared annually from three official sources: current voter registrations, licensed drivers, and Department of Public Safety photo identifications. Before a jury is needed, names are chosen at random from the list and those people are notified to appear at court. This is the jury panel from which jurors are chosen.

**Do all people who are in a jury panel actually serve on a jury?** No. More people are chosen than will be needed because the judge or attorneys automatically excuse some people.

### **What are the qualifications for serving on a jury?**

*To serve on a jury you must:*

- Be at least 18 years of age
- Be a citizen of this state and of the county in which you are to serve as a juror
- Be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror
- Be of sound mind and good moral character
- Be able to read and write
- Not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court
- Not have been convicted of theft or any felony
- Not be under indictment or other legal accusation of a misdemeanor theft, felony theft, or any other felony charge.

**Who will a judge excuse from jury service?** *A person qualified to serve as a juror may establish an exemption from jury service if he or she:*

- Is over 70 years of age
- Has legal custody of a child or children younger than 10 years of age and service on the jury requires leaving the child or children without adequate supervision
- Is a student at a public or private high school
- Is a person enrolled and in actual attendance at an institution of higher education
- Is an officer or an employee of the Senate, the House of Representatives, or any department, commission, board, office, or other agency in the legislative branch of state government

*A person is disqualified to serve as a juror in a particular case if he or she:*

- Is a witness in the case
- Is interested, directly or indirectly, in the subject matter of the case
- Is related by blood or by marriage to a party in the case
- Has a prejudice in favor of or against a party in the case
- Has served as a juror in a former trial of the same case or in another case involving the same questions or facts

**How are people chosen from the jury panel?** Names are chosen at random from those called for jury duty. The judge and attorneys ask general questions and the attorneys can ask the judge to excuse people for the reasons discussed. Attorneys then ask questions and can ask the judge to excuse someone if there is a special reason such as bias, prejudice, or financial interest in the case. Each attorney is then allowed to eliminate a certain number (generally up to six in district court) of people without expressing a reason. This is called peremptory challenge or strike.

**Do people on a jury lose their salary?** That depends on the employer. Employers are required to give employees time off for jury service but are not required to continue wage payments. Jurors are paid a nominal fee by the county for their service. An employer may require this fee to be rendered to them for payment of wages for jury days. This can vary from county to county.

**How long can people be required to serve on a jury?** Jurors are required to serve until the case for which they have been selected is finished.



**Is driving a right or a privilege?** It is a privilege that the State of Texas regulates. You must pass a written test and a driving test before you are issued a driver's license. This privilege can be revoked and your license to drive can be suspended by the State for many reasons, including bad driving such as multiple collisions, excessive tickets, or driving under the influence of alcohol.

**Do the parents continue to be liable for a child's accidents after the child turns 18?** No. The liability of a parent ends when a child becomes 18.

**Are all drivers required to have car insurance?** Yes. All drivers are required to maintain a liability insurance policy and to carry proof of insurance in the vehicle. A driver is required to show proof of insurance to a law enforcement officer who requests it. Proof of liability insurance is required for driver license renewal, annual vehicle license renewal, annual vehicle inspection, and motor vehicle title transfer. Failure to carry insurance is a misdemeanor punishable by a fine determined by the legislature.

**How do driving laws apply to motorcycles?** All laws of the road that apply to cars also apply to motorcycles. A regular driver's license does not permit a person to legally operate a motorcycle on public roads, however. A person must apply for a permit to operate a motorcycle and must either satisfactorily complete a safety course or pass an operator's test in order to be granted a permit to operate a motorcycle.

All operators and passengers under 21 years old must wear a DPS-approved helmet while riding.

**What is an occupational license and how does one get one?** An occupational license grants limited privileges to drive a motor vehicle for those people whose licenses have been suspended. The person must demonstrate an essential need to drive in order to attend school or work. The application made to the Court must state very specifically why one needs to drive and must limit the driving to the specific times and locations.

**What happens if someone is stopped for driving while intoxicated?** You will be arrested and taken to jail if you fail a breath/blood test. Your license will be suspended for a specific period of time determined by the legislature. In addition, if you refuse to give a breath/blood specimen, the time of suspension will be increased. You have the right to request a hearing to contest the driver's license suspensions.

Your license can be suspended following your arrest for DWI and following your conviction for DWI. Persons under the age of 21 can also be charged with a DUI, driving under the influence. A DUI can be filed simply because an officer detects an odor of alcohol about you. You do not need to be intoxicated to receive a DUI. Intoxicated also includes being under the influence of drugs. A DUI can result in a fine and a license suspension.

**What are the penalties for driving while intoxicated?**

- **No prior conviction:** Fines and times in jail are determined by the legislature. In addition you will be required to attend some alcohol counseling or educational programs. Remember that your license may have already been suspended.
- **One or more convictions:** Maximum amounts of fines, confinement, and driver's license suspension may more than double for a second offense. This, then, becomes a felony.
- **Open Containers:** It is a criminal offense for a driver or passenger to possess an open container of alcoholic beverage in a motor vehicle on any public street or highway, whether the vehicle is moving or is stopped or parked.
- In all cases you may be eligible for probation for a period of time. Penalties are substantially increased where serious bodily injury results from the offense. If it is shown at the trial of a person that at the time of the offense the person operating the motor vehicle had an open container of an alcoholic beverage in his immediate possession, then the minimum term of confinement substantially increases.

**Do the "Driving While Intoxicated" laws apply only to cars and trucks?**

No. According to Texas law, they apply to operating "motor vehicles," such as motorbikes, motorcycles, aircraft, and watercraft while intoxicated.



## Drinking Laws



**May the state change the drinking age?** Yes. Buying beer, wine, or liquor is considered a privilege rather than a right, so a state may change the drinking age.

**Is the drinking age different for beer and liquor?** No. In Texas it is the same. No person under the age of 21 may legally purchase beer, wine, or liquor. Furthermore, it is an offense to consume it except in visible presence of an adult parent, guardian, or spouse or to be in possession of it under most circumstances. The only time a person under the age of 21 can even possess an alcoholic beverage is in the course and scope of employment at a licensed premise; they are not allowed to consume it.

**What is the punishment for purchasing, consuming, or possessing an alcoholic beverage as a minor?** This is a misdemeanor offense punishable by fines, which increase with each prior conviction. The court can also suspend your driver's license, and you will be required to do some community service work. In addition, the court may require the minor to attend an alcoholic awareness course.

**May a person under the state drinking age buy beer, wine or liquor with parental consent?** A person under the legal drinking age may not buy beer, wine, or liquor even if accompanied by a parent, legal guardian, or spouse who is over the drinking age. All places that sell beer, wine, or liquor have the duty to ask for identification for proof of age of all persons who appear to be and might be under the drinking age. All places have the right to refuse to sell beer, wine, or liquor to all persons who cannot show true proof of age, even if that person is 21 years or older.

**What is the penalty for using a fake ID?** If a minor knowingly makes a false entry or alteration on a state driver's license or ID certificate or makes, presents, possesses, sells, or offers to sell a state driver's license or ID certificate with knowledge that it was obtained unlawfully and falsely, he/she commits an offense punishable by fines, confinement, and community service as set by the legislature.

## Criminal Charges



**If someone is arrested for a criminal offense, what does he or she have a right to expect from the arresting officer(s)?** If arrested, you can expect to be thoroughly searched for weapons, handcuffed, and taken to a police station unless the offense is a minor one like a traffic violation. If the police wish to question you about the offense, you will be advised of your rights under the United States Constitution (your "Miranda" rights); that is, you will be told that you need not answer any questions, that you have the right to a lawyer present during questioning, and that a lawyer will be appointed to assist you if you cannot afford one. If the police do not wish to question you, they are not required to give these warnings.

**What basic things should a person remember if arrested?** You have an absolute right to refuse to discuss the case with anyone, and you should not answer questions without consulting a lawyer. If you request a lawyer but cannot afford to pay the lawyer's fee, one will be appointed to represent you. If you do answer questions or volunteer information, your statements can almost certainly be used as evidence against you at your trial. This is often true of oral statements as well as those that are written. Police officers cannot force you to answer questions by threats, and cannot bargain leniency in exchange for your statement. If you voluntarily agree to permit police to search you or your property, anything they find can be used as evidence against you. If you choose to answer questions, take tests, or permit a search, you may change your mind at any time and refuse further cooperation but anything already obtained by the police can be used as evidence.

**How soon after an arrest must that person appear before a judge?** You must be taken in front of a magistrate without "unnecessary delay" after being arrested. In most cases, this will be done within twenty-four hours of your arrest, but the delay may be somewhat longer on weekends and holidays. The magistrate will tell you what you are charged with, inform you of certain rights, and set the amount of your bail, unless you are charged in one of the circumstances in which bail may be denied. If you cannot afford an attorney and you wish to have one appointed, you should tell the magistrate during this hearing.

**What does it mean to be released on bail?** Bail is a security, usually money, given by a person arrested to assure his appearance in court. In Texas, bail is permitted in almost all cases; a magistrate will determine the amount at which the bail is set. You may be released on your promise to appear in court, or you may be required to post an amount of cash or a "surety bond" in which someone guarantees your appearance in court. In any case, if you do not appear as promised, the amount of your bail will be forfeited and a warrant can be issued for your arrest.

## Contracts



**What is a contract?** A contract is any agreement between two or more people from which each receives some benefit.

**Can I make a contract before turning 18?** Yes, but as a minor you could have terminated most contracts. Once you reach the age of 18 you can reaffirm a contract made as a minor either expressly or by failure to disaffirm it. Adults cannot usually enforce contracts against minors. That is why your parents, or some adult, probably had to co-sign any contracts you made as a minor. You may be liable for the fair market value of necessary items purchased as a minor. In Texas, if married and under the age of 18 you are considered an adult.

**What are some likely contracts I may soon be part of?**

- Employment contract
- Loan for education or to buy a car or to make another large purchase
- Installment purchase of some product
- Apartment rental
- Insurance
- Marriage
- Medical care

**Do all contracts have to be in writing?** No. Many contracts (employment, some apartment leases, a promise to pay for medical care) are rarely in writing.

*However, some contracts must be in writing:*

- Any purchase of an item costing more than \$500
- Any contract to buy or sell land
- An agreement that cannot be fully performed within one year

**What are some of the advantages of written contracts?**

- Protection against dishonesty — against lies by the other person as to what you had agreed
- Protection against poor memories — after a time people will usually have different recollections of their agreement even if there is no dishonesty

**What are some of the disadvantages of written contracts?** Consumers are often forced to sign printed form contracts that are written to favor the seller; for example, attempting to limit warranties and saying that the consumer must pay the business's legal fees if there is a lawsuit to enforce the contract. Some words contained in written contracts have technical legal meanings, which are unknown to most people.

**What are some general rules to follow when I am asked to sign a contract?**

- Do not sign anything until you are sure you understand the agreement.
- Read the entire contract before signing it.
- Ask questions about anything in the contract you do not understand.
- Cross out parts of the contract that conflict with your agreement. If you do this, initial the cancellations and have the other party do so as well.
- Write in parts of your agreement that are not in the contract and have the other party initial the additions.
- Do not sign a contract if it contains any blank spaces; either fill them in or cross them out if they do not apply.
- Do not be intimidated by sales people.
- Do not be taken in by friendly sales people.
- Do not think that a printed form contract is O.K.
- Never sign anything unless you understand why you are being asked to sign and what you are agreeing to do.
- Be sure that you get a complete, accurate, signed copy of the contract.

**What can happen if I do not honor a contract — miss payments or other obligations?** You can be sued. You, as a "defendant," can be required to appear against the other person's (plaintiff) claim against you. The judge or jury decides what the facts are and the judge decides who wins. If you do not

defend, you will lose by default. If you lose, a "judgment" will exist against you. Interest is added to the amount of the judgment until it is paid.

**What can I do if I owe more money than I can pay?** Some options include working out agreements to pay your debts back over a period of time, taking out a new loan to pay back existing debts, and bankruptcy, which is a formal court proceeding and quite complicated. Bankruptcy can have a bad effect on your credit rating, making it harder for you to obtain a loan in the future.

## Credit



**How do I get a good credit rating?** A credit rating, or "credit worthiness," measures your ability to repay a debt. This can be established by a past record of completing payments or by showing a regular salary or other source of money. You can also get a good credit rating by maintaining a savings account, showing uninterrupted employment, and using, and timely paying on, credit cards.

**How do I know what my credit rating is?** You can ask businesses that furnish consumer credit reports to tell you what information they have on you. The consumer-reporting agency may charge a fee for providing you with a credit report. The three main reporting agencies are Experian (888-397-3742), TransUnion (800-888-4213), and Equifax (800-585-1111).

**How long does it take to clear up a bad credit report?** It depends on the seriousness of the past problems and the amount and purpose for the new loan. Generally, credit-reporting agencies want references on loans and employment for the last 7 years. A past bad credit rating can sometimes be avoided if the collateral for the present loan is sufficient.

**What is collateral?** Collateral is anything that has value that can be given as security for a loan. The lender wants to identify property that has a value at least equal to the amount of the loan so that the property can be used to pay back the debt if you are unable to repay the loan.

**What if I buy a TV or stereo on installments and have a problem getting it fixed? If the store refuses to fix the set, can I refuse to make payments?**

In most cases, it is not wise to discontinue payments, since the seller will claim that you are in default on your obligations. In general, you may stop making payments if the selling merchant financed your purchase himself, and if you validly revoke your acceptance by notifying the seller of the reason for revocation and returning or offering to return the goods. To use this remedy, however, the non-conformity of the goods (i.e. broken TV set), at the time of purchase, must be such that its value to you is substantially impaired and the non-conformity complained of was not caused by you. On the other hand if the seller sold your promissory note to another party, your payments would most likely have to continue, although the holder of your consumer note may also be subject to a revocation, repair or replacement action. Note that in some instances a seller has a right to repair the set if defective under consumer warranties. In such cases, you may not revoke your acceptance and discontinue making payments.

**If I buy something with a high interest rate loan and later have money to pay off the loan, must I pay the entire amount of interest, which would have been due over the term of the original contract?** No. Generally a consumer has a right to prepay a loan at any time without penalty. It is important to follow the general rules given in the contracts section of this book prior to signing. You should read and understand all provisions of a contract and check to see if it has a prepayment penalty provision.

**Can a purchase contract say that if I do not pay, the store can automatically get its money from my wages?** No. The Texas Constitution, except for the enforcement of court-ordered child support payments, prohibits garnishment of wages due for personal services. However, once a payroll check is deposited into a debtor's bank account, the proceeds may be subject to garnishment.

**Can the purchase contract say that if I default, I agree to assign my wages to the store?** No. In Texas, no retail installment contract or retail charge agreement can include an assignment of wages. This is generally true of all consumer credit loans as well.



**Can a lender have different rules for making loans to women than to men?** No. It is unlawful for any creditor to discriminate against any applicant because of race, religion, gender, marital status or age. Lenders may only make distinctions based on the applicant's credit worthiness. A married person who does not have an outside job might have problems obtaining a loan unless that person has sufficient collateral to provide as security for the loan. If the person's spouse has an established credit rating, the spouse could guarantee the loan or provide other security, which would support the loan.

## Consumer Protection



**What are some consumer protection laws and what do they do?** State regulations have been adopted in many areas including term paper sales, motor vehicle sales and repairs, home solicitation selling, and home improvement contracts. Information about consumer protection can be found on the Internet at <http://www.oag.state.tx.us>.

- **Truth in lending:** This requires disclosure of credit costs and contract provisions so that consumers can compare credit terms. It also gives a three-day right to cancel any credit sales when the collateral for the debt is a residence.
- **E.T.C. Door-To-Door Rule:** This regulation creates a three-day rescission right for any contract on credit and cash sales of \$25.00 or more, which take place away from the seller's regular place of business. Door-to-door contracts are required to contain a bold-faced notice of the cancellation right.
- **Unsolicited credit cards:** This law prohibits issuance of unsolicited credit cards. You may file a complaint with the Federal Trade Commission if you receive an unsolicited credit card. However, you may have applied for one and forgotten about it (in the mall, at the football stadium, or the basketball arena, where you received a free T-shirt or towel to fill out an application), or you may simply have received a renewed card for an account that you have recently cancelled. If you do receive a card that you do not want, cut it up and contact the card issuer and tell them that you do not want an account.
- **Fair Credit Reporting Act:** This law ensures fair, timely and accurate reporting of credit information. It also restricts the use of reports on consumers, and in certain situations, requires the deletion of obsolete

information. The law applies to lenders and employers, as well as any business that provides credit reports.

- **Equal Credit Opportunity Act:** This prohibits discrimination in lending because of race, religion, sex, marital status or age. The law applies to all lenders and credit transactions, not just consumer credit transactions. There are rules for taking, evaluating and acting on a credit application except when the spouse's credit history is part of the loan or the signature is needed for the lender to take a security interest in collateral for the loan. Other rules apply to furnishing and maintaining credit information.

**What is the difference between a "full" and "limited" warranty?** All warranties must be labeled as either "full" or "limited." Under a "full" warranty, the dealer/manufacturer is given a reasonable number of chances to fix defects but then must allow you to choose a full refund or a replacement without charge. A "full" warranty applies to anyone who owns the product during the warranty period. Few "full" warranties are given. The refund or replacement rights do not exist under "limited" warranties. Most warranties are "limited."

**Are warranties important?** Yes, they establish your right to have defects fixed at no charge. You should always ask for a copy of the warranty. A dealer is required to give you a copy. Texas has a Deceptive Trade Practices Act, which gives you additional rights for breach of warranty or for other deceptive trade practices. The Act offers consumers strong protection against sellers of defective products.

**Do I have any protection after the stated warranty period ends?** Maybe. There is usually an implied (unwritten) warranty created by statute that, for a reasonable time, an item purchased from a dealer will be fit for the purpose for which it was sold.

**Do these warranties apply to used items?** After the stated warranty period, there are no warranties.

**Do I have to pay for unauthorized work done by a repair shop?** It depends on what you told the shop when you asked them to do the repairs. The law protects all consumers on repair contracts, requiring written estimates under certain circumstances.

**What if I bought a "lemon"?** The Texas Lemon Law is a state law that helps consumers who buy or lease new motor vehicles and have repeated problems getting their vehicles properly repaired, repurchased, or replaced. The Lemon Law is limited to vehicles purchased or leased from Texas licensed dealers or leasers.

**What vehicles are covered by the Lemon Law?** New vehicles, including cars, trucks, vans, motorcycles, all-terrain vehicles, motor homes, towable recreation vehicles, and demonstrator vehicles. The relief available to used motor vehicle buyers is limited to repairs only, if the vehicle is still under the original factory warranty.

**How do I file a complaint?** A Lemon Law complaint must be filed in writing to the Texas Department of Transportation, Motor Vehicles Division. It is important that all records be kept of repair orders, letters to manufacturer, and calls.

For further information and forms, contact the Texas Department of Transportation, Motor Vehicle Division, P.O. Box 2293, Austin, TX 78768 or call Statewide toll free 800-622-8682.

**Whom should I contact if I have consumer questions?** Attorney General of Texas, Consumer Protection at 1-800-621-0508 or Texas Department of Transportation at 1-800-622-8682 or on the web at either [www.dot.state.tx.us](http://www.dot.state.tx.us) or [www.oag.state.tx.us/consumer/consumer.shtml](http://www.oag.state.tx.us/consumer/consumer.shtml)

## Marriage, Divorce and Children



**When can a person marry without parents' consent?** At age 18, you can marry without the consent of your parents.

**What is the youngest age at which a person can marry with parents' consent?** The youngest age at which a person may marry with parents' consent is 16.

**Is a marriage a contract?** Yes, it is a contract between a man and a woman. State law creates the relationship and describes the consequences of divorce or other marital problems.

**How does one get a marriage license?** You apply to the county clerk no more than 30 days, but at least 72 hours, before the marriage ceremony and pay the application fee.

**What is required for a valid marriage?** *All you need is:*

- A valid marriage license
- An authorized official (generally a clergyman, judge, or others authorized to perform marriages under the law)
- A marriage ceremony

**Does Texas recognize "informal" or common law marriages?** Yes, a valid marriage may also be provided by the execution of a Declaration of Informal Marriage form at the County Clerk's office or by proof that: (1) the parties agree to be married; (2) live together as husband and wife in this state; and (3) represent to others that they were married. A common law marriage is as valid as a ceremonial marriage, and a divorce must be obtained to end it. However, if a claim of common law marriage is not made within two years of the date the relationship ended, there is a rebuttable presumption that there was no agreement made.

**In a marriage, who has to provide support?** Both husband and wife have an obligation to provide for support of the other and of all minor children. Either spouse may be held liable for necessities furnished to the other, or to all minor children.

**What happens in a divorce?** A judge will consider child custody, child support, and property division. As a general rule, all assets and debts acquired during the marriage are divided equally.

**What are the grounds for divorce?** There are 7 grounds for divorce in Texas. These are enumerated in Section 6.001 - 6.007 of the Texas Family Code. Texas has two "no fault" grounds for divorce. One is "insupportability," where the legitimate ends of the marriage have been destroyed and the parties have no reasonable expectation of reconciling. The other no-fault ground is living apart for a period of three years.

**Can a father be required to support a child if he is not married?** Yes. The child, the child's mother, a child support agency, or certain other parties can

sue a father. A wage assignment can be obtained that will automatically deduct the amount from the father's paycheck.

**What if the man denies that he is the child's father?** The child, the child's mother, a child support agency, or certain other parties can start a paternity action. The court will require blood tests. Very accurate blood tests now exist. If the question is not settled, a trial will be held to determine who is the child's father.

**May a parent's rights be terminated?** Yes. A court may terminate parental rights for a variety of reasons, including abandonment, failure to support, endangerment of the physical or emotional well being of the child, and various other grounds.

**Does an abused spouse have to start a divorce action to get assistance from the courts?** No. You can get a protective order from the court if you or a member of your family or household have been subject to abuse and the court finds that abuse is likely to occur in the foreseeable future. The order may contain a wide variety of remedies. Failure to comply with the terms of the order can be punishable by fine, imprisonment, or both. Check your Yellow Pages under Social Service Organization for battered wives of spouse abuse groups.

**What kinds of protection can an abused spouse receive from a court while a divorce action is pending?** In Texas the same relief under protective orders, as stated above, is available to a spouse while a divorce action is pending.

**Can an abused spouse have a criminal complaint pursued against the offending spouse?** Yes. If you are abused, immediately call the police or prosecuting attorney's office. Get hospital treatment and keep records of injuries, witnesses, police officers, and medical attendants. Get copies of medical reports. A temporary protective order may be requested to keep your spouse away from your home and place of employment.

**Can an abused spouse bring an action for personal injuries against the offending spouse?** Yes. To do so, a civil action must be started. You should see an attorney to discuss the sufficiency of evidence, the facts that must be proven, and the amount of damages or other remedies you could obtain.

## Apartments

FOR  
RENT

**Must a lease be written to be enforceable?** No, unless the lease is for longer than one year.

**What are the advantages of having a written lease?**

- You will have a better idea of all your rights and obligations.
- You will have protection against dishonesty.
- You will have protection against poor memories.

**What are the disadvantages of a written lease?**

- Printed form leases usually favor the landlord.
- The lease could change some of the rules that would otherwise favor the tenant.

**What is a security deposit, how much money is it usually, and what is it used for?** It is an amount of money (often equal to one month's rent, but can be any amount) that the landlord may hold as security against loss for items such as property damages, unclean conditions, and unpaid rent.

The landlord may retain all or part of the security deposit to pay for damage or charges for which you are legally liable under the lease or as a result of breaking the lease. He may not, however, retain any portion of a security deposit to cover normal wear and tear. The tenant must give the landlord a written statement of the tenant's forwarding address upon moving out. If the tenant does this, and is not delinquent in the rent, the landlord must give to the tenant an itemized list of deductions, if any, within 30 days, and a refund of the unused portion of the security deposit.

**May I withhold my last month's rent and request that my landlord applies my deposit to the rent due?** No.

**In a monthly lease, can I end the lease by just leaving at the end of a month?** No. You must give one month's notice, unless a different period of notice is specified in a document signed by both parties.

**If I sign a lease with 3 friends as tenants, and they move out, do I have to pay the full rent or only my quarter share?** It depends on what the lease says. You will probably have to pay the full rent. You would then have a claim against your friends and could sue them.

**If I break a lease, what amount can I be sued for?** You can be sued for all unpaid rent, for any physical damage including unusual cleaning expenses, for advertising expenses and other costs of re-renting the apartment, and for the landlord's attorney fees and court costs, if the written lease provides for that.

**Should I have renter's insurance?** Yes. The landlord's insurance will cover only the building, not your possessions. Renter's insurance is relatively inexpensive.

**What are my obligations as a tenant?** Under the law, a tenant must refrain from damaging the rental premises and keep the premises in a fit and livable condition.

**How does the landlord terminate a tenancy for non-payment of rent?** If you do not pay the rent when due, a landlord may give you a notice to either pay or leave within three days. This notice to leave or vacate may be preceded by a notice of default if there is a written lease that provides for one. The three-day notice requires the tenant to leave the premises within that time. If you do not leave, the landlord can file an eviction lawsuit in the Justice of the Peace court. Even if you are evicted, you are liable for the rent until you are evicted by an order of the court.

**What can I do if the landlord refuses to make repairs to the premises?**  
*The landlord's general duty is to make a diligent effort to repair or remedy a condition if:*

- The tenant specifies the condition in a notice to the person to whom rent is normally paid.
- The tenant is not delinquent in the payment of rent.
- The condition materially affects the physical health or safety of an ordinary tenant.
- The condition is not caused by the tenant or a member of the tenant's family or a guest of the tenant.

If the cost of the repair is minor in relation to the rent, it may be your responsibility to fix the problem depending on what your written lease may provide. When conditions are so bad as to make the premises "uninhabitable," you should consult an attorney about possible remedies. A landlord has a legal duty to provide security and safety devices such as deadbolt locks, peep holes, and smoke detectors.

**Under what circumstances can the landlord enter my premises?** A landlord may enter your premises at reasonable times to inspect, make repairs or show the premises to prospective tenants. The landlord may enter at unusual situations to preserve or protect the premises.

**Can a landlord refuse to rent an apartment to me?** Generally, yes. The denial may not be based on race, religion, familial status or national origin.

## Employment



**Must an employer give employees a written contract?** No. Texas has "at will" employment. An employment contract is a rarity in Texas because employers do not like to hinder by contract their ability to fire an employee.

**For what reasons can an employee be fired?** No employee has an expectation for continued employment, and an employer has the right to fire any employee for any reason. The employee must show that the termination resulted from a statutory violation. Most statutory violations concern allegations of discrimination of some sort. Illegal discrimination occurs when an employer treats you differently because of your race, sex, religion, national origin, age, or because of a disability. You must be 40 years of age or older to have protection from age discrimination.

**Do these discrimination prohibitions apply to hiring as well?** Yes. An employer is prohibited from basing employment decisions on an applicant's race, sex, religion, national origin, age, or because of a disability. If discrimination is suspected, an administrative complaint must be filed with the appropriate agency. The federal agency is the Equal Employment Opportunity Commission (EEOC). The EEOC works with the Fair Employment Practice Agencies (FEPAs). You must file your discrimination charge with the FEPA

within 180 days of the wrongful conduct. These charges raise claims under state and local laws prohibiting employment discrimination as well as the federal laws enforced by the Equal Employment Opportunity Commission.

*The Fair Employment Practice Agencies office in Texas is listed below:*

Texas Commission on Human Rights (FWPA)

P.O. Box 13006 Capitol Station

Austin, Texas 78711-3006

Phone: 1-888-452-4778

Website: <http://www.welcome.to/tchr>

## Military Service and Selective Service Registration



**At what age can a person enlist in the armed forces?** A person can enlist as early as age 17, with parental consent, and at 18, without. Both males and females can choose to enlist in any branch of the military. Enlistees must be citizens of the United States or immigrant aliens with immigration and naturalization papers.

**Who is required to register for Selective Service?** All U.S. citizen males are required to register for Selective Service upon reaching their 18th birthday. Also, all permanent resident aliens and undocumented aliens must register. Lawful non-immigrants on visas should not register. Until the age of 26, men are required to inform the Selective Service Agency whenever they change their permanent address.

**When do I register?** All required males must register within 30 days of their 18th birthday; this provides a 60-day window in which registration is possible. A man may register as early as 17 years and 3 months old.

### How do I register?

- On-line at [www4.sss.gov](http://www4.sss.gov).
- Complete and return a registration form available at any U.S. Post Office.
- Return a reminder mail-back card that is sent to many young men around the time they turn 18.
- Check "Yes" on Box #29 on the Free Application for Federal Student Aid (FAFSA).
- Through the assistance of an appointed Selective Service Registrar at your high school, if available.

**Will draft cards be issued when I register?** You will receive a registration acknowledgment card upon registering. If a draft occurs, you will be notified by the means specified in the draft guide. The notice will order you to report for a physical examination and processing. It will also provide information on possible exemptions and deferments.



**NOTE: THIS BOOKLET IS BASED ON TEXAS LAW AND IS  
ISSUED TO INFORM AND NOT TO ADVISE**

*This material is a summary of the laws, as they existed in November 2005  
at the time of publication. This is GENERAL and BASIC information only.  
Laws are constantly changing. Exceptions and special circumstances exist.  
You should seek legal advice from an attorney of your choice who can take  
into account all the factors relevant to your particular situation.*

## IMPORTANT NUMBERS IN YOUR CITY

*(Please fill in appropriate numbers.)*

City Hall: \_\_\_\_\_

County Courthouse: \_\_\_\_\_

County Clerk: \_\_\_\_\_

District Attorney: \_\_\_\_\_

Voter Registration: \_\_\_\_\_

Police Department, Sheriff, Fire Department, Emergency Medical Aid: 911

## TEXAS NUMBERS AND WEBSITES

**State Bar of Texas for lawyer referral services**  
800-204-2222 option 7 • <http://www.texasbar.com>

**Attorney General of Texas, Consumer Protection**  
800-621-0508 • <http://www.oag.state.tx.us>

**Consumer-Reporting Agencies (fees are involved)**  
Experian ..... 888-397-3742  
TransUnion ..... 800-888-4213  
Equifax ..... 800-585-1111

**Texas Department of Transportation**  
800-622-8682 • [www.dot.state.tx.us](http://www.dot.state.tx.us)  
Motor Vehicle Division  
P.O. Box 2293, Austin, TX 78768

**Texas Commission on Human Rights (FWPA)**  
888-452-4778 • <http://www.welcome.to/tchr>  
P.O. Box 13006 Capitol Station  
Austin, Texas 78711-3006

**Texas Abuse Hotline**  
800-252-5400