

A user-friendly GUIDE TO

# Legal Issues

FOR FAMILIES in Macomb County



## About This Book

This *Small Book* is designed to assist families in locating free or low-cost community services in Macomb County and is designed to be user-friendly.

The book first lists a "SITUATION" followed by a short descriptive phrase about each of the known services listed for that situation, an explanation of the services and eligibility requirements (if applicable), and finally, the telephone number for the service.

This book lists services by a service category, not by agency. This helps to speed the finding of needed services. For the most part, only Macomb County resources are listed. Exceptions to this are out-of-county resources included if a Macomb County facility is filled or county or state services that may be accessed in Macomb County.

To aid you in your use of this book, you will notice the following format: Each "*Situation*" is enclosed in a black box to differentiate it from other situations.

The symbol (~) is placed in front of each new service under that category. All known services for a situation are grouped under it regardless of what agency offers those services.

As names of agencies and programs frequently change, please note that the former name is indicated in brackets { }.

Every effort has been made to assure that the information is up-to-date and accurate. Due to the dynamic nature of organizations, information changes often.

We hope that you enjoy this resource and that you are able to locate help more quickly. For your information, *Small Books* are available on the following topics:

Adoption	Literacy
Child Abuse	Mental Health
Child Care	Parenting
Dementia	Recreation/Leisure
Dental	Runaway Services
Domestic Violence	Senior Citizen Services
Employment & Training Services	Sexual Assault
Fetal Alcohol Spectrum Disorder	Special Needs
Financial Assistance	Substance Abuse
Food	Suicide Prevention
Gambling Addiction/Problems	Support Groups
Resources	Teen Pregnancy Service
Health	Transportation
Homeless Services	Utility Assistance
Housing	Vision and Hearing Services
Legal Issues	Glossary

## Table of Contents

Books on the law	1
A person required legal advice	1
A couple wishes to get married	2
A person wishes a divorce or annulment	3
A person is being stalked	3
A youth wishes to be emancipated	4
A youth wishes to sign a contract	4
A person has been a victim or witness to a crime and needs information or assistance	5
A youth needs to know his/her curfew	5-6
A minor wants to get a job	7
A child and/or parent is interested in physical custody	7
A person is involved in a dispute and wants a neutral person to mediate	8
You need to know the law regarding seat belt use	9
Notes	10-11
Acknowledgements	12

## LEGAL ISSUES

### BOOKS ON THE LAW

#### MINORS

- ❖ **You and the Law** booklet provides information on laws pertaining to minors in Michigan, prepared by the State Bar of Michigan. Topics include: drinking, licenses, tobacco, alcohol and drugs, school, parental rights and responsibilities and many other issues. The booklet can be downloaded from the Internet at: [www.michbar.org](http://www.michbar.org). To order a hard copy, send a check for \$2.00 each (plus tax, if not tax exempt) to: State Bar of Michigan, Attention: Membership Services, 306 Townsend St., Lansing, MI 48933. For more information, call (517) 372-9030.

#### ADULTS/YOUTH

- ❖ **Michigan Law for Everyone** by Sherry A. Wells, J.D. is a book which provides information on landlord-tenant, contracts, real estate, divorce, juvenile law, guardianships, insurance, accidents, unemployment, small claims courts, wills and probate, business law, workers compensation, how to find an attorney, attorney fees, examples of laws and legal forms. Available at bookstores.

### SITUATION: A person requires legal advice.

- ❖ **Free or minimal cost legal advice by telephone** provides legal advice except for traffic violations or misdemeanors. Available from Legal Aid and Defender Association, Macomb County office. Toll-free number: (877) 964 -4700.
- ❖ **Low cost walk-in clinic** provides a walk-in only legal clinic on Tuesday evenings starting at 6:30 P.M. on a first-come, first-serve basis, no appointments are necessary. Attorneys volunteer their services to give "advice only". A donation of \$5.00 or more is requested but not mandatory. Available from Common Ground\* in Bloomfield Hills, whose services are not restricted by County. Call (248) 456-0909 or toll free at (800) 231-1127 for more information.
- ❖ **The Macomb County Bar Association Legal Referral Services** provides a referral to a lawyer. Call (586) 468-8300.

**SITUATION: A couple wishes to get married.**

Persons under the age of 18 must have parental consent to enter into a marriage contract in the state of Michigan. If the youth is less than 15 years of age, he/she and his/her parent must go to Probate Court to start the process.

If the **youth is under 15 and does not have parental consent or only one parent's consent**, he/she must apply for a secret marriage license. A hearing date is set, approximately 14 days later. The parents are notified of the hearing and may give testimony. The judge's decision is based on the circumstances of the situation and testimony.

If the **youth is under 15 and has both parents' consent**, he/she applies for a secret marriage license and a hearing date may be set for that day. The judge's decision is based on the circumstances of the situation and testimony.

If the **youth is aged 16 - 18**, he/she must have parental consent to get married. They begin the process by going to the County Clerk Office, 1st Floor, Court Building in Mt. Clemens [(586) 469-5749 with their custodial parent to apply for a marriage license. The youth must bring in a certified copy of their birth certificate. The parent must bring in their own picture identification (preferably a driver's license) and must sign a parental consent form in order for the youth to apply for the marriage license.

At least one applicant must appear to apply for a marriage license and show proper photo identification (driver's license). If one of the people who wishes to get married is underage, then the one who is underage must come in person to apply for the marriage license and bring a birth certificate.

**For more information, call the Macomb County Clerk's Office, 40 N. Main, Mt. Clemens (586) 469-5210. Office hours: 8:30 A.M. - 4:30 P.M., Monday - Friday.**

### **SITUATION: A person wishes a divorce or annulment.**

A divorce case is started by filing a complaint for divorce in the circuit court. The person may file in the circuit court for the county where he/she lives or in the county where the spouse lives, if they are separated.

Either spouse must have resided in the county where he/she files for at least ten days immediately before filing. Also, there is no such thing as filing jointly for divorce; one spouse must be the filing party (plaintiff).

For more information on divorce, contact the Family Law Section of the State Bar of Michigan, (517) 372-9030, for their booklet *Consumer's Guide to Divorce*.

### **SITUATION: A person is being stalked.**

- ❖ **Information on stalking and Personal Protection Orders\* (PPO\*s)** is available from the Michigan Women's Commission, Lansing, (517) 373-2884.
- ❖ **A court order to protect a person from harassment, assault, beating, molesting, wounding, or stalking from another person.** A short form called a Personal Protection Order\* (PPO\*) may be filed with the Macomb County Clerk's Office, 10 N. Main, Mt. Clemens. *Items needed to complete the forms are: a copy of the complaint for divorce, annulment, or separate maintenance; copies of custody orders if there are any, and; the costs of serving papers on the restrained person. There may be a fee for the motion to the court. For help in completing this form, call (586) 469-7494.*

If a person is being stalked, he/she should report it to his/her local police department whether or not he/she plans to file formal charges.

### **SITUATION: A youth wishes to be emancipated.**

❖ **Emancipation** provides legal independent status to some underage youth. By law in Michigan, youth aged 16 or older may file for emancipation. It is a legal process where the youth must demonstrate the ability to accept adult responsibilities. Start by contacting Juvenile Court, (586) 469-5412 for information on the law and its criteria. Criteria for emancipation include:

- Demonstrated ability to support self (must provide proof of support)
- Ability to accept/handle adult responsibilities, i.e., sign legally-binding contracts
- A required written affidavit from a professional person (teacher, nurse, minister, counselor, probation officer, etc.) attesting to youth's ability to act in a mature manner.
- Providing a birth certificate

The process takes about 3-4 weeks once the petition is filed. This is a legal process where the decision is made based on facts presented to the court. Parents may participate, though their input is generally in the form of a statement to the court. While many teenagers seek information on emancipation, much fewer actually meet the criteria and follow through with the petition. Parents cannot file for emancipation of their children. For more information or for an appointment, call Macomb County Juvenile Court\*, (586) 469-5412.

### **SITUATION: A youth wishes to sign a contract (e.g., loans, merchandise, rentals, etc).**

Persons under the age of 18 cannot be legally bound by written and/or verbal contracts unless emancipated.

**SITUATION: A person has been a victim or witness to a crime and needs information and/or assistance.**

❖ **Information and help in filing for Michigan Crime Victim Compensation\***, help in obtaining emergency services (e.g., food, housing, clothing); referrals to other community agencies; information on how the Court works and the status of a particular case; accompany victim to Court when requested; provide assistance in returning personal property to victims; and provide an opportunity to express feelings about their case to the judges at the time of sentencing. Available from Prosecuting Attorney's Office - Victim/Witness Unit, (586) 469-5675.

**SITUATION: A youth needs to know his/her legal curfew.**

Curfews vary according to various districts throughout the County. Enforcement varies depending on conditions, *e.g., curfews are more strenuously enforced on Devil's night in most areas.*

Macomb County Curfews		
Center Line	13 and under	10:00 P.M.
	14 - 18	12:00 midnight
Chesterfield Twp.	16 and under	11:00 P.M.
Clinton Twp.	11 and under	10:00 P.M.
	12 - 15	12 midnight
Eastpointe	16 and under	11:00 P.M.
Fraser	16 and under	10:00 P.M.
Mt. Clemens	16 and under	10:00 P.M. weekdays 10:30 weekends

*Continued on next page...*

Macomb County Curfews		
New Baltimore	15 and under	12:00 midnight
New Haven	16 and under	10:00 P.M. weekdays 10:30 P.M. weekends
Richmond	16 and over	12 midnight
	15 and under	11:00 P.M.
Romeo Village	14 and under	10:00 P.M./11:00 P.M. on Sat. & Sun.
	15-17	11:00 P.M./12:00 midnight on Fri. & Sat.
Roseville	16 and under	10:00 P.M.
St. Clair Shores	11 and under	10:00 P.M. - 6:00 a.m.
	12 - 16 year olds	12 midnight - 6:00 A.M.
Sterling Heights	11 and under	9:00 P.M.
	12-16 year olds	11:00 P.M.
Utica	Under 17	11:00 P.M.
Warren	16 and under	11:00 P.M. - 7:00 A.M. Weekends 10:00 P.M. - 7:00 A.M. Weekdays

## **SITUATION: A minor wants to get a job.**

Youth under 18 years of age require a work permit, obtained at the child's school or school district. The employer must also file a "statement of intent to employ" in the school office. The child takes the statement, and proof of age to the school office.

### **Limitations:**

**Hours:** No more than 6 days per week and no more than 48 hours of work weekly or 8 hours per day (school counts as work hours, *i.e.*, 4 hours of school and 4 hours of work is the limit)

**Locations:** Minors cannot work in "hazardous" conditions, stocking alcohol, or places **Conditions:** where alcohol sales constitute greater than half of the total receipts.

**Minimum:** There is no minimum wage for minors under 18 working for small businesses. **Wages:** Large corporations, however, must adhere to federal guidelines of \$5.15/hr.

## **SITUATION: A child and/or parent is interested in physical custody.**

There is no specific legal age where a child can choose which parent they will live with. This decision is made based entirely on the circumstances of the particular situation. The court referee assigned to the case will generally attempt to get the parents together to make it a mutual decision, since they know their child and his/her needs best. In assessing the case, the referee primarily explores external indicators of a child's well being, *i.e.* school performance, etc. The child's input varies according to the **perceived level of maturity** as opposed to the biological age of the child. For further information contact Dave Elias, Chief Referee at Macomb County Friend of the Court\*, (586) 469-5755.

**SITUATION: A person is involved in a dispute and wants a neutral person to mediate.**

- ❖ **Free, confidential third party arbitration to help identify the problem and find solutions which are satisfactory to both parties.** Available from The Resolution Center of Macomb County\*, 176 S. Main, Suite 2, Mt. Clemens, MI 48043, (586) 469-4714.
- ❖ **A confidential voluntary dispute resolution process** where two people involved in a dispute meet face-to-face with the assistance of a neutral third party. The mediator's role is not to make a judgment or decide who is right or wrong, but to assist in identifying the issues and generating options for a settlement that is satisfactory for everyone involved. The fee varies by case type. Available from The Resolution Center of Macomb County\*, 176 S. Main, Suite 2, Mt. Clemens, MI 48043, (586) 469-4714.

**SITUATION: You need to know the law regarding seat belt use.**

**MICHIGAN'S SAFETY BELT LAW**

<b>Age</b>	<b>Front Seat</b>	<b>Back Seat</b>
Under 1 year	Must be in child car seat	Must be in child car seat
1 - 4 (under 4)	Must be in child car seat	In child car seat or safety belt
4 - 8 (under 8)	Must be in booster seat	Must be in booster seat
8 - 16 (under 16)	Must be in safety belt	Must be in safety belt
16 years and older	Must be in safety belt	No requirement

**For more information on seat belt usage, contact:**

Office of Highway Safety Planning	(517) 336-6477
Auto Safety Hotline	(800) 424-9393

**Instructions on how to use a safety belt for an infant/child and/or child safety seat check ups are available at:**

<b>Macomb County Health Department in the Knollwood Office Center at 19 Mile/Garfield</b> Instruction provided by appointment only	(586) 412-6392
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## ACKNOWLEDGEMENTS

This booklet has been developed from "*Making the Right Connection*", a project of the Macomb County Inter Agency Council and its Youth Council Subcommittee.

For the complete Resource Directory, please go to [www.misd.net/connection](http://www.misd.net/connection)





GREAT PARENTS MACOMB\*  
Serving families with children birth to age 5

For information on other resources for families of children  
age birth to 5 years, please call:

1.866.4MACOMB

1.866.464.2662

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