



WORDS I NEED TO KNOW¹

Court Order. Any order made by a judge; the order may be written by the judge or submitted by a party or attorney and signed by the judge. The parties may agree to a plan and, when the judge signs it, it becomes a court order or Judgment. See also *Stipulation*.

Custody. In Oregon, “custody” means the right to make major decisions for the welfare of a child. Major decisions include routine medical care, religion, education and residence. Custody may be either joint with both parents or sole with one parent. “Sole custody” does not give one parent the right to move away with the child without notice to the other parent unless the order specifically gives that right. Having custody does not necessarily mean having the child live with you (see also *Parenting Time*). See also *Regular, Split, and Shared Custody* for child support terms.

Dissolution of Marriage. Divorce.

Divorce. The legal process of dissolving a marriage; where parents have not been married, they can file a petition for custody (or filiation petition) to obtain orders for custody and a parenting plan.

Domestic Violence. A learned pattern of physical, verbal, sexual, and/or emotional behavior in which one person in a relationship uses force, fear and intimidation to dominate or control the other person, often with the threat or use of violence. Domestic violence is a crime.

Facilitator, Family Law Facilitator. A court employee who helps parents without attorneys by providing assistance with common family law forms and giving information about court procedures and other sources of help in their communities.

Family Abuse Prevention Act (F.A.P.A.). The law that authorizes courts to issue protective orders (a special type of restraining order) where there has been violence or other forms of abuse within a family. F.A.P.A. orders may include orders for custody and a parenting plan.

Filing. Turning your legal papers into the clerk of the court.

¹This is not a list of legal definitions but have been prepared for use by persons who are not lawyers.

Hearing. A motion or other legal action that is handled in the courtroom. Parties and attorneys may call witnesses and introduce evidence. A judge will make a decision based on all the evidence and the decision will become a court order.

Holiday. Each family has certain holidays and special occasions that it celebrates. A parenting plan would specify who the child will spend holidays with and define each holiday so both parents know when it begins and when it ends.

Joint Custody. Parents share the responsibility to make major decisions for their child (see also *Custody*). Joint custody does not mean that the child spends equal time with each parent. Both parents have to agree for joint custody to be ordered. See also *Parenting Time*.

Judgment. See *Court Order*.

Mediation. A meeting with a trained, neutral third party *who helps the parties* try to solve problems cooperatively. Most courts provide mediation of custody and parenting plan problems up to a certain number of hours. Mediation may occur face to face or separately, if necessary. Mediation is confidential. The mediator does not tell the parents what they should do or make a recommendation to the court. Mediation may not be appropriate where there are safety issues or domestic violence concerns.

Motion. A formal request filed with the court. A judge makes a decision to allow or deny the request, usually after a hearing or trial.

Non-residential Parent. The non-residential parent is the parent with whom the children do not live most of the time and who does not have legal custody of them.

Order. See *Court Order*.

Parenting Plan. A document that states when the child will be with each parent and how decisions will be made. The parenting plan may be developed by the parents, through mediation, with the help of attorneys or by a judge after a trial or hearing. See also *Custody*.

Parenting Time. The actual time a child is scheduled to spend with a parent. During parenting time that parent has primary responsibility for making routine decisions for the child but not major decisions. See also *Custody*.

Petition for Custody. If parents have never been married, instead of filing a dissolution of marriage (divorce) they file a petition for custody (or filiation petition) in order to get court orders for custody and a parenting plan.

Physical Custody. See *Custody and Parenting Time*.

Pro Se. Filing legal papers by yourself, without a lawyer. It can also mean appearing in court in front of a judge by yourself, without a lawyer.

Residential Parent. The residential parent is the parent with whom the children live most of the time and who has legal custody of them.

Restraining Order. See *F.A.P.A.*

Safety Focused Parenting Plan. A parenting plan specially created for families where there is mental illness, drug addiction, domestic violence, child abuse, or other circumstances that impact safety of the child or a parent. The Oregon Judicial Department and State Family Law Advisory Committee are currently developing such a plan. If you determine that your situation requires a safety-focused parenting plan, you should consult with an attorney.

Self-Represented. An individual who files a court case without using the services of an attorney. See also *Pro Se*.

Sole Custody. One parent has the right and responsibility to make major decisions for the welfare of the child. See also *Custody*.

Statute. Laws passed by the state legislature (or adopted by initiative). Most code sections relating to family law are in volumes 25, 107 and 109 of the Oregon Revised Statutes (O.R.S.) and are available at the county law library or on the internet at www.leg.state.or.us/ors.

Supervised Parenting Time. Parenting time during which the parent and child must be in the presence of another specified adult while the parent visits. Supervised visitation may be ordered where there has been domestic violence, child abuse or a threat to take the child out of the state. The third party is responsible for making sure that the child is safe and the rules are followed. Sometimes supervision can be arranged and paid for through an agency or provider. Often, a trusted family member or friend will agree to take on the responsibility. Either way, both the parents and the supervisor need to be informed about the requirements, the expectations and what to do in the event of an emergency or if the visit must be ended. Some courts have guidelines for supervised visits. Ask your local court clerk or facilitator.

Trial. See *Hearing*.

Visitation. Term no longer preferred. See *Parenting Plan, Parenting Time*.