

- A -

AB INITIO: Latin for "from the beginning."

ABANDONMENT: When a parent leaves a child without adequate care, supervision, support, or parental contact for an excessive period of time.

ACCESS: Parenting time (once called visitation).

ACCRUAL: The total amount of child support that is owed.

ACKNOWLEDGMENT: Saying, testifying, or assuring that something is true.

ACKNOWLEDGMENT OF PATERNITY: A voluntary written statement made by a mother and biological father in which they admit that the man is the father of the child. A properly executed statement filed with the center for health statistics has the same legal effect as a court order.

ACTION: A lawsuit or proceeding in a court of law.

ADJUDICATE: To make a final decision; to give a judgment or a decree.

ADJUDICATION: The judge's decision in a case or action or another term for 'trial' in juvenile court.

ADOPTION: Legal proceeding whereby a person or persons take a child or other person as their own child and thereby acquire the rights and incur the responsibilities of a parent.

AD LITEM: "For this lawsuit."

ADMINISTRATIVE PROCESS: A quasi-judicial process that is similar to but not exactly the same as a judicial process. Child support and paternity are often established through an administrative process by the Child Support Program.

ADMISSIBLE: Evidence that is properly introduced in a trial.

ADMISSION: Saying that certain facts are true.

AFFIANT: Someone who signs an affidavit.

AFFIDAVIT: A written statement under oath.

AFFIRM: To declare that something is true.

AGREEMENT: A verbal or written resolution of disputed issues.

ALIMONY: A payment of money (or property instead of money) from one spouse to the other; it is called spousal support in Oregon.

ALLEGATION: A claim or statement that has yet to be proved or supported by evidence.

ALTERNATE CARE: The type of care arranged for a child when a parent is not present.

ALTERNATIVE DISPUTE RESOLUTION: A process to resolve a dispute instead of a traditional courtroom trial. Common forms of alternative dispute resolution are mediation, arbitration, and settlement conferences.

AMEND: To add to or change a claim that has been filed in court.

ANNULMENT: A marriage is ended legally, and the marriage is declared void, as though it never took place. In the eyes of the law, the parties were never married. It is available under very limited circumstances.

ANSWER: The written response to a complaint. In it, the defendant admits or denies the allegations in the plaintiff's complaint and states any defenses and counterclaims that may apply.

APPEAL: A legal action where one party asks a higher court to review the judge's rulings or decision.

APPEARANCE: The participation in the proceedings by a party, either in person, by electronic means, or through an attorney.

ARGUMENT: Persuasion by laying out the facts, the law, and the reasoning that connects them. Arguments may be made in documents filed in the court or orally at a hearing or trial.

ARREARS: In child/spousal support proceedings, monies owed as a result of the obligor's failure to make payments in accordance with a support order.

ASSAULT: A physical attack that usually results in injury.

ASSETS: Money, property, and other items to which a value may be assigned.

ATTORNEY: Someone who is qualified to represent clients in court proceedings.

AWARD: To give or grant by formal process.

- B -

BEST INTERESTS OF THE CHILD: In deciding custody, the court must consider those facts that directly affect the well-being of the child.

BIOLOGICAL FATHER: The man who fathers a child by impregnating the mother.

BURDEN OF PROOF: The responsibility to convince the fact-finder that one's own position is the most persuasive. In a family law case, the burden of proof usually is on the moving party and generally the proof must be by a preponderance of the evidence. The burden of proof is by clear and convincing evidence in some circumstances.

- C -

CASE, CASE LAW: Previous cases decided by courts of appeal are published and used by judges to make decisions in current, similar cases.

CERTIFICATE OF SERVICE: A written statement that says the date that the document was provided to the other parties.

CHANGE OF VENUE: The removal of a proceeding begun in one county or district to another county or district for trial or other proceeding.

CHILD ABUSE: Hurting a child physically, sexually or emotionally.

CHILD PROTECTIVE AGENCY: An agency authorized by state law to protect the well-being of children.

CHILD SUPPORT: A financial obligation that parents owe to their child(ren).

CHILD SUPPORT GUIDELINES: Administrative rules that a judge or hearings officer must follow when setting the amount a parent must pay in child support.

CHILD SUPPORT ORDER: A written order of the court or the Child Support Program that states which parent must pay child support, which parent will receive child support, the amount of the child support payment, and how often the payments must be made.

CHILD SUPPORT WORKSHEET: A document, used to enter financial information and calculate the amount of child support according to the child support guidelines.

CLEAR AND CONVINCING EVIDENCE: Evidence that proves a fact substantially more likely than not.

CLOSING STATEMENT: The statements made by each party (or their lawyers) at the end of a hearing or trial. Typically, this statement highlights the version of the facts that best supports each side of the case, how these facts were proven during the testimony, how the law applies to the case, and why the judge should rule for one side and not the other. The statement itself is not evidence, and the closing statement may refer only to what has been received in evidence.

COHABITATION: Two people, not married to each other, who live together in an intimate relationship or married people who live in the same residence.

COMMON LAW MARRIAGE: A common law marriage occurs when a man and woman who are eligible to marry agree to live together as husband and wife without a formal ceremony or a marriage license. In a common law marriage, both spouses must intend to be husband and wife. Oregon does not have common law marriage.

COMPETENT: A competent person is able to understand the oath and proceedings and is legally qualified to be a witness or party.

COMPETENT WITNESS: A witness who has firsthand knowledge of relevant evidence and who is able to tell the judge or jury about it.

COMPLAINANT: The one who files the lawsuit, same as plaintiff or petitioner.

COMPLAINT: A legal paper that starts a case; also called a petition or pleading.

CONFIDENTIAL: When a conversation, information or other communication is confidential, none of the participants can testify in court about what was said. Confidentiality is different with different professionals. A person should ask the professional person (attorney, mediator, therapist, counselor) what the rules are for that profession.

CONTEMPT: The willful failure to follow a court order. One party to a lawsuit can ask the court to find the other party in contempt of court.

CONTEMPT OF COURT: An act or omission tending to obstruct or interfere with the orderly administration of justice or to impair the dignity of the Court or respect for its authority.

CONTESTED CASE: A legal proceeding in which one party opposes, resists or disputes what another party has requested.

CO-PARENTS: Parents who share responsibility for raising a child even though the parents no longer live together.

CORRECTED JUDGMENT: A judgment that has correct information and that replaces a judgment that has errors. Formerly called an amended judgment.

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 parenting plan and, when the judge signs it, it becomes a court order or judgment.

CUSTODY: The legal arrangement for raising a child and how decisions about the child will be made. Custody has two parts: legal and physical. Legal custody is decision-making responsibility for the child; physical custody refers to the home in which the child lives. Parents may agree to any custody arrangement that is in the best interest of the child.

- D -

DECISION: A court's judgment, order or decree that settles a dispute and decides an issue.

DECLARATION: A written statement that is certified to be true under the penalty of perjury.

DECREE: A ruling given by the court, typically in a court of equity.

DEFAULT: A party's failure to answer a complaint, motion, or petition within the time allowed.

DEFAULT JUDGMENT: Relief granted by a court when an opposing party fails to answer a complaint or appear for trial.

DEFENDANT: The person the case is brought against; also called a respondent.

DEPENDENT: A family member who is supported financially by another person, usually one with a legal support obligation.

DEPOSITION: A recorded out of court examination made under oath. Usually a lawyer asks questions of a party or witness to learn their version of events.

DISCLOSE: To reveal, tell or expose new information.

DISCOVERY: A means to get documents, answers, and other information from a party or parties to a lawsuit. Examples of discovery are a request for production, interrogatories (written questions) and depositions (questions which are usually asked in person and on the record).

DISMISS or DISMISSAL: To terminate a case without further consideration or hearing. To dismiss *without prejudice* means the matter can be refiled and brought to court again. To dismiss *with prejudice* means that the matter cannot be refiled.

DISSOLUTION: The termination of a legal relationship such as a partnership or marriage.

DISSOLUTION OF MARRIAGE: The legal end of a marriage, also called divorce.

DIVISION OF CHILD SUPPORT: The state agency that handles child support when one of the parents is receiving public assistance or the parent or child is on the Oregon Health Plan or cases in which the child is receiving state-paid foster care or is in the custody of the Oregon Youth Authority. The county District Attorney's office handles child support issues when no public assistance is involved.

DIVORCE: The end of a marriage by an official decision in a court of law.

DNA TESTING: A way to determine the parents of a child by genetic testing.

DOCKET: A "docket" or "trial docket" is the list or calendar of cases set for trial or other hearing at a specified time and date.

DOCUMENTS: Pieces of paper that contain information.

DOMESTIC VIOLENCE or ABUSE: A pattern of behavior by an intimate partner, cohabitant or family member used to establish power and control over another person through fear and intimidation, often including the threat or actual use of violence. Abuse of family members can take many forms, including emotional abuse, economic abuse, sexual abuse, using children, threats, intimidation, isolation, and a variety of other behaviors used to maintain fear, intimidation and power.

- E -

EMANCIPATION: A legal process that gives a person 16 years old or older legal independence from his or her parents or guardians.

ENFORCE: To require a person to comply with a law, regulation or order.

EPPDAPA: The Elderly Persons and Persons with Disabilities Abuse Prevention Act. This law has rules for issuing restraining orders to protect elderly persons and persons with disabilities.

ESTABLISH: A process to prove or confirm the truth or validity of something (such as to establish paternity) or to set up something that is intended to continue (such as a child support obligation).

EVIDENCE: Testimony of a witness under oath or affirmation or any object that is received by the court to prove the existence or non-existence of facts in a case.

EXHIBIT: A physical object that is offered in evidence during a trial or hearing.

EX PARTE: Latin phrase for contact with the judge without notice to the opposing party. Judges are not allowed to have ex parte contact with parties except under limited circumstances. Ex parte also may be a short matter that is not on the court calendar and that quickly resolves a limited issue in the case.

EX PARTE PROTECTIVE ORDER: An order by the court, issued without notice to the other side that prevents another person from harming or damaging a person and in some cases may restrain all contact.

- F -

FACILITATOR or FAMILY LAW FACILITATOR: A court employee who helps parents who do not have attorneys by providing assistance with common family law forms and giving information about court procedures and other sources of help in the community. A court facilitator does not give legal advice.

FAMILY COURT: A trial court that has jurisdiction over all family cases, including divorce, child support, paternity, domestic abuse, and juvenile cases.

FAMILY LAW: The area of law, also known as domestic relations law, which generally refers to divorce, dissolution, custody, parenting time, support, and paternity.

FAMILY ABUSE PREVENTION ACT (FAPA): The law that authorizes courts to issue protective orders (a special type of restraining order) when there has been violence or other forms of abuse within a family. FAPA orders may include orders for custody and parenting plans.

FATHER'S RIGHTS: Judges are required to base decisions on the best interests of the child; they may not discriminate between parents on the basis of gender.

FILIATION PETITION: Legal papers that ask the court or a child support agency to declare who is the father of a child. A parent can ask the court to make an order regarding custody, parenting time, and child support once paternity is established.

FILING: Giving the court clerk one's legal papers.

FORM: A model document to work from or a legal paper with blanks that can be filled in.

FOSTER CARE: A program that pays money to a person, family, or institution to raise someone else's child.

FREQUENT AND CONTINUING CONTACT: Parenting plans should give a child regular contact with both parents so the child has a genuine, on-going relationship with each parent, unless it puts the child in serious danger.

- G -

GARNISHMENT: A legal process that allows part of a person's wages and/or assets to be withheld for payment of a debt; also known as wage-withholding.

GRANDPARENT'S RIGHTS: Grandparents and others who have an established relationship with a child may ask a court to make orders giving them time with the child. Also called third-party rights.

GUARDIAN: A person appointed by the court to protect a child or incapacitated person. Note: A guardian does not have a duty of support the child or incapacitated person in care.

GUARDIAN AD LITEM (GAL): A person appointed by the court to represent the interests of a minor or incapacitated party in a court case.

GUIDELINES: See Child Support Guidelines.

- H -

HEARING: A proceeding scheduled by the court at a particular date and time that may or may not include presentation of evidence by the parties.

HEARSAY: Hearsay is an out-of-court statement that is presented as a true statement in court. Hearsay generally is not admissible in a trial or hearing, but there are many exceptions to the hearsay rule.

HOME STUDY: A professional investigation of the living situation of each of the parents for the court's use in determining parental rights and responsibilities, custody and parenting time.

HYBRID CUSTODY: One parent has primary physical custody of one or more of the children and shared physical custody of another of the children.

- I -

IEP: Stands for "individualized education program." An IEP is designed to meet the exceptional educational needs of public school students who are eligible for special education services.

INCOME: Any form of periodic payment to a person, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation, disability, pension or retirement program payments, and interest.

INDIAN CHILD WELFARE ACT (ICWA): A federal statute that includes special rules courts must follow if a Native American child is involved in a custody proceeding (including adoptions, guardianships, and foster care).

IN LOCO PARENTIS: Latin phrase referring to a person who, although not the legal or biological parent of the child, is treated as a parent.

I INTERPRETER: A person who is able to translate, orally or in writing, spoken or sign language into the common language of the court.

INTERSTATE: A case which involves two or more states.

INTRASTATE: A case which involves two or more courts within a state.

IRRELEVANT: Evidence which is not important to the case and which will not tend to prove or disprove any of the issues.

- J -

JOINT CHILD: A term used in child support determinations meaning a dependent child who is the son or daughter of both the mother and father involved in the child support case. In those cases where only one parent seeks child support, a joint child is the child for who support is sought.

JOINT CUSTODY: A court order that grants both parents decision-making authority for their child.

JOINT LEGAL CUSTODY: A court order that allows both parents to make major decisions about a child's health, education, and well being.

JOINT PHYSICAL CUSTODY: A court order that provides that a child will spend about the same amount of time living with each parent.

JUDGE: A court officer who supervises hearings and trials and pronounces judgment.

JUDGMENT: A court's decision.

JURISDICTION: The authority of the court to hear a case. There are two types of jurisdiction: personal jurisdiction and subject matter jurisdiction. A court may exercise personal jurisdiction when a party to a lawsuit is present in Oregon or has sufficient contacts with Oregon. A court may exercise subject matter jurisdiction when a law or rule says that it may.

JUVENILE: A person younger than the legal age of adulthood, which is 18 years in Oregon.

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- L -

LEGAL CUSTODY: A parent's right and responsibility to make decisions about a child's health, education and well being.

LEGAL FATHER: A man who is recognized by law as the parent of a child. The legal father need not be the biological father.

LEGAL PARENT: A person who is recognized by law as the parent of a child.

LEGAL SEPARATION: A legal end to a domestic relationship in which the parties remain married. A court may divide assets and make other orders in a legal separation.

LIMITED LEGAL SERVICES: An arrangement with an attorney to receive help with some part of a case for a set fee or limited fees.

LONG ARM JURISDICTION: A means to allow the court to obtain jurisdiction over a person who is not found within Oregon. The exercise of long-arm jurisdiction is limited by due process.

- M -

MARITAL PROPERTY: Includes all property acquired during the marriage, even if it is not titled in both names, with some exceptions.

MARITAL SETTLEMENT AGREEMENT: A marital settlement agreement is a written contract between spouses that contains detailed provisions that resolve the issues in the case..

MEDIATION: A process in which the disputing parties use a third party to assist them in reaching a settlement of the dispute. The process is private, informal, and non-binding. The mediator has no power to impose a settlement, but rather attempts to assist the parties in reaching a mutually acceptable resolution to the dispute.

MINOR: A person under the age of 18 years.

MODIFICATION: A change or alteration, like modification of an order in which a new order is issued that changes the terms of the original order.

MODIFICATION ORDER: An order of the court that alters, changes, extends, amends, limits, or reduces an earlier order of the court.

MODIFY: To alter, change, extend, amend, or limit a previous provision or order.

MONEY JUDGMENT: A specific amount of money awarded by the court to a person or entity. A judgment may be collected by legal means.

MOTION: Application to a court for an order, ruling or decision.

MOTION TO DISMISS: A paper filed with the court asking for the dismissal of a case, petition, complaint, defense, or claim.

- N -

NO FAULT DIVORCE: In Oregon, a party does not need to allege that the other spouse did anything wrong to obtain a dissolution of a marriage.

NON CUSTODIAL PARENT: The parent who has not been granted legal custody of the parties' child, a parent who is not the primary caretaker of the child.

NON JOINT CHILD: A term used in child support determinations meaning the legal child of one but not both of the parents.

NOTICE: A written announcement or warning.

NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY (NFR): The pleading used by the Child Support Program that begins the administrative process to establish child support or paternity.

NUNC PRO TUNC: Latin term that means now for then. It indicates a corrected judgment is effective on the date of the original erroneous judgment or an order the judge signs now is effective on an earlier date.

- O -

OATH: Swearing or affirming that a statement is true. An oath may be made in person or in writing.

OBJECTION: A formal protest made by a party over evidence or allegations that the other side tries to introduce.

OBLIGATION: Something that must be done because of a legal duty, such as an obligation to pay child support.

OBLIGEE: Commonly refers to the person to whom child or spousal support is payable.

OBLIGOR: Commonly refers to the person ordered to pay child or spousal support.

OFFSET: Amount of money taken from a parent's state or federal income tax refund before he or she receives it, or from administrative payments like federal retirement benefits, to pay a child support debt.

ON THE RECORD: The official recording, taken down by a court reporter or recorded by electronic means, of what is said in the courtroom. If the judge makes a ruling "on the record," it means he or she made the decision orally in the courtroom.

OPENING STATEMENT: The introductory statement made by each party (or their lawyer) at the start of a hearing or trial. Typically, this statement explains the version of the facts best supporting each side of the case and how these facts will be proven. The opening statement is not evidence.

OPPOSITION: The name of the paper filed in response to and that disagrees with another party's motion.

ORAL ARGUMENT: The part of a trial when lawyers or parties summarize their position, cite the law, and answer the judge's questions.

ORDER OF FILIATION: An order by the court legally declaring a man to be the biological father of a child, usually done on the basis of the filing of a paternity petition.

ORDER TO SHOW CAUSE: A court order directing a person to appear in court and respond to a legal petition, motion or complaint.

- P -

PARENT-CHILD CONTACT: A court determination establishing the conditions under which a parent may be with his or her child, also known as parenting time.

PARENTING CLASSES: Classes that help parents focus on the needs of their children and give parents information to provide a nurturing non-threatening home environment.

PARENTING PLAN: A written document that says the days and times a child will spend with each parent. A plan also may contain provisions regarding other aspects of parenting, such as a prohibition against derogatory statements about the other parent. Parenting plans may be general or detailed, but a parenting plan must include the minimum amount of time a child will spend with the non-custodial parent.

PARENTING TIME: A court decision about the times that a parent may be with his or her child.

PARTY or PARTIES: The technical legal word for the people who are part of the case and who have a right to sit at counsel table and ask the court to rule one way or another. In family law cases, the parties usually are the people whose names are on the case as petitioner and respondent; however other people, such as interveners and children attending school, also may be parties.

PATERNITY: A determination that establishes a man as the legal father of a child. If the parents were never married, paternity usually must be established before a court may award the man custody or parenting time.

PATERNITY SUIT: A lawsuit to decide who the father of a child is if the parents were not married when the child was born.

PENDENTE LITE: Temporary or prejudgment arrangements or orders for custody, child support, parenting time, spousal support, possession of the family home, and other temporary orders that will be in effect until the final trial or hearing.

PERJURY: A false statement made on purpose while under oath in a court proceeding.

PETITION: A legal paper that starts a case.

PETITIONER: The person or agency who files papers to start a lawsuit; also called plaintiff.

PETITION FOR CUSTODY: If parents have never been married, instead of filing a dissolution of marriage (divorce) petition, they file a petition for custody under ORS 109.103 to get a custody order and parenting plan. They may need to establish paternity first.

PLAINTIFF: The person who files papers to start a lawsuit; also called petitioner.

PLEADING: The process by which parties file papers in court, including papers to begin a case, papers to respond to issues that are raised by another party, and counterclaims.

POWER OF ATTORNEY: When a person (the "principal") authorizes someone else (the "agent" or "attorney in fact") to take care of business for the principal. A power of attorney authorizes the agent to do whatever is necessary to manage the principal's assets. A "limited" or "special" power of attorney can be made more restrictive, by setting time limits for the agent to serve, limiting the agent to certain actions, or authorizing the agent to manage only particular assets. There are "general" powers of attorney, "limited" or "special" powers of attorney, and "durable" powers of attorney. A general or limited power of attorney ends when the principal durable power of attorney stays in effect if the principal becomes incapacitated.

PREJUDGMENT RELIEF: Temporary arrangements or orders for custody, child support, parenting time, spousal support, possession of the family home, and other temporary orders that will be in effect until the final trial or hearing.

PREPONDERANCE OF THE EVIDENCE: Evidence that proves a fact more probably than not.

PRIMA FACIE: From the Latin for "from first view." Prima facie evidence is sufficient to support a certain conclusion unless contradictory evidence is presented. A prima facie case is sufficient on its face because it is supported by the necessary minimum evidence and free from obvious defects.

PRIMA FACIE CASE: A case sufficient on its face and supported by the requisite minimum of evidence.

PRIMARY PHYSICAL CUSTODY: A type of court order or arrangement in which a child lives with one parent more than the other parent.

PRIMARY RESIDENCE: Oregon law allows parents who agree on joint custody to designate one home as the primary residence. This is the home where the children will spend more overnights. There is no definition in the law for this term. The term is also used to determine public benefits. If a person receives TANF or public assistance, there are rules about this designation which may affect eligibility to receive benefits. Parents should consult with a caseworker or an attorney regarding the consequences of indicating a primary residence in a parenting plan.

PRO BONO: Legal work done for free; from the Latin meaning "for the good."

PRO SE: A person who represents himself or herself without an attorney; also called self-represented person.

PRO TEM JUDGE: A lawyer appointed by the court to act as a judge on a temporary basis.

PROCEEDINGS: Generally, the process of conducting judicial business before a court or judicial officer. A "proceeding" refers to one of the separate steps in that process, such as a motion or hearing.

PROOF: Evidence that tends to establish the existence or truth of a fact at issue in a case.

PROOF OF SERVICE: The form filed with the court that proves that court papers were formally served on (delivered to) a party in a court action on a certain date.

PROTECTIVE ORDER: A court order which is meant to protect a person from another person.

PSYCHOLOGICAL PARENT: Sometimes a person who is not a biological parent (like a step-parent or live-in partner) takes on major responsibilities for a child and is seen by the child as a "parent". In certain cases, a judge may provide for the child to continue to have scheduled time with this psychological parent.

PUBLIC BENEFITS: Also called "public assistance". Money or medical assistance received by a parent based on need, or based on the needs of the children who live with them. Benefits are paid by the Adult and Family Services Division, Department of Human Services. Types of public

assistance include Temporary Assistance to Needy Families (TANF) and Oregon Supplemental Security Income.

PUTATIVE FATHER: The person said to be the father of a child but who has not yet been declared to be the legal father.

- Q -

QUALIFIED DOMESTIC RELATIONS ORDER (QDRO): An order or judgment by a court and approved by a pension plan, that divides a pension plan for a division of property or to pay for child or spousal support.

- R -

REBUTTAL: Evidence presented at trial by one party in order to overcome evidence introduced by another party.

RECESS: A short break in a trial ordered by the judge.

RECONCILIATION: A married couple or partners in a domestic partnership who, once separated, get back together.

RECORD: A written account of the proceedings in a case, including all pleadings, evidence, exhibits, and judgment submitted during the case.

RELEVANT: Evidence which tends to prove or disprove an issue in the case.

RELIEF: The redress or assistance awarded to a party by the court.

RESET: To put on the court calendar again.

RESIDENCY: The usual, official place of residence; the place where a person makes his or her home.

RESPONDENT: The party who answers a complaint in a civil case or a party against whom an appeal is brought.

RESTRAINING ORDER: A court order that tells a person to stop doing something for a certain amount of time. Some examples are FAPA orders, stalking protective orders, and EPPDAPA orders.

RETURN OF SERVICE: A statement that is filed in court to show that a complaint or other document has been served on (delivered to) a party.

RULES OF COURT: Many court procedures are controlled by statewide rules, such as the Uniform Trial Court Rules (UTCRC), and by local court rules. The state and local rules can be found in the county law library or at the OJD website at www.ojd.state.or.us.

- S -

SAFETY FOCUSED PARENTING PLAN: A parenting plan created for families when there is mental illness, drug addiction, domestic violence, child abuse, or other circumstances that may not be safe for a child or parent.

SEPARATE PROPERTY: Property and debt that is considered to belong to just one party in a marriage or domestic partnership. It may have been acquired before the marriage or from an inheritance or gift.

SEPARATION: Married persons living apart, either informally by one leaving the home or agreeing to "separate" while sharing a residence, or formally by obtaining a "legal separation" or negotiating a "separation agreement" setting out the terms of separate living.

SEPARATION DATE: The date when one spouse (or both) or one partner (or both) decides that the marriage or partnership is over and takes some action to show this (like moving out of the house).

SERVICE: Providing a copy of the court papers to the other side.

SERVICE BY PUBLICATION: When service is done by publishing a notice in a newspaper or by posting on a bulletin board at the courthouse or other public facility after a court determines that other means of service are impractical or have been unsuccessful.

SETTLEMENT: An agreement of terms reached through negotiation by parties involved in a legal dispute. When a settlement is reached, the parties may appear before a judge to put the settlement on the record.

SETTLEMENT CONFERENCE: A meeting with or without a judge before trial to explore ways to settle the issues. The meeting usually includes the parties and lawyers but others may participate by agreement.

SHARED PHYSICAL CUSTODY: The technical term for when the child lives with each parent about the same amount of time (such as alternating one week with one parent, one week with the other parent).

SHOW CAUSE ORDER: A court order telling a person to appear in court in person or in writing and present evidence to show why the orders requested by the other side should not be granted. A show cause order is usually based on a motion and affidavit asking the judge to make certain decisions.

SOLE LEGAL CUSTODY: A court order in which one parent has the legal authority to make the major decisions affecting the child, like health care, education, and religion. If the parents do not agree on a decision concerning the child, the parent with sole legal custody has the right to make the final decision.

SPOUSE: Husband or wife.

SPOUSAL SUPPORT: Court-ordered support of a spouse or ex-spouse; also called "maintenance" or "alimony."

STANDING: Standing is a legal term that means a person or entity has sufficient connection to and/or harm from a law or action to participate in a lawsuit or raise a claim.

STATUS QUO: A child's usual place of residence, current schedule and daily routine for at least the last three months.

STATUS QUO ORDER: A court may enter an order that keeps the "status quo." *See above.*

STATUS QUO ORDER: A court may enter an order that keeps the "status quo" and will stop the other parent from moving the child, interfering with the child's usual routine and schedule, and hiding the child. *See above.*

STATUTE: A law passed by Congress or a state legislature.

STIPULATED JUDGMENT: An agreement between the parties that settles a case and is in writing and signed by both parties (or their attorneys) and by a judge.

STIPULATION: An agreement between opposing parties on any fact or issue related to the proceeding or trial, such as an agreement on child support on a temporary or final basis.

SUBPOENA: A paper issued by the court requiring a person or entity to appear in court and/or bring documents.

SUMMONS: A document directing a sheriff or other officer to notify the person named in the summons that a lawsuit has been started against him or her in court, and that he or she must go to court on the day listed in the summons and/or file an answer to the complaint.

SUPERVISED VISITATION: Visitation or parenting time between an adult and a child that happens in the presence of another adult. The court may order supervised visitation when necessary to protect a child.

SUPPORT ORDER: A court or administrative order for the support of a child, spouse or domestic partner. A support order can include monetary support; health care; payment of debts; or repayment of court costs and attorney fees, interest, and penalties; and other kinds of support.

- T -

TEMPORARY ORDER: A temporary order is any order made in a case before the final order or judgment is made. These are generally short-term decisions by the judge about child support, child custody, parenting time, possession of the family home, attorney fees, spousal support or the payment of debts until a final court order can be issued.

TEMPORARY PROTECTIVE ORDER OF RESTRAINT: This prejudgment order, sometimes called a status quo order, restrains the parties from moving the child, interfering with the child's usual schedule, and hiding the child.

TESTIFY: To give evidence under oath as a witness in a court proceeding.

TESTIMONY: Evidence presented orally by witnesses during trials, before grand juries, or during administrative proceedings.

TRANSITION: The moving of a child from one place where they are taken care of to another place where they will be cared for, such as from one parent's home to the other parent's home.

- U -

UCCJEA: Uniform Child Custody Jurisdiction and Enforcement Act. This law establishes rules regarding which state's court may make custody and parenting time decisions for a particular child.

UNCONTESTED DIVORCE: When a respondent agrees to or does not dispute any of the petitioner's requests in a divorce case, so there are no disputed issues for the court to decide.

UNDER OATH: All witnesses must swear or affirm to tell the truth if they want their statements or testimony to be considered as evidence. These statements are considered to be "under oath".

- V -

VENUE: The proper county in which a case may be heard or tried.

VISITATION: The time that third parties, often grandparents or stepparents, will spend with children. When the time with children is for parents, it is called parenting time.

VOID: Having no legal force or effect.

- W -

WAGE ASSIGNMENT: A voluntary agreement by an employee to transfer (or assign) parts of future wage payments to pay a debt, like child support.

WAGE ATTACHMENT: An involuntary transfer of a portion of an employee's wage payment to repay a debt, like child support.

WAGE WITHHOLDING: A legal procedure that allows deductions to be made from wages or income on a regular schedule. The deductions are used to pay a debt, like child support. Wage withholding often is incorporated into a child support order. It can be voluntary or involuntary. Also known as "income withholding."

WAIVER: The intentional and voluntary relinquishment of a known legal right.

WITNESS: Person who gives testimony under oath or affirmation regarding what he/she saw or heard.

WITNESS LIST: The list of people a party intends to call as witnesses during a trial or hearing.

WRIT OF ASSISTANCE: An order of the court that directs law enforcement to help recover custody of a child from a person who does not have legal custody.

- X -

- Y -

- Z -
