

## Words You may Need to Know

**Access, Visitation, Parenting Time** – Words used to describe the schedule of time a child has with each parent.

**Adjudicated, (adjudication)** - To be decided by a court of law after a formal legal process, to have already been legally determined as a result of a legal proceeding.

**Allocation of Parental Rights and Responsibilities** – the determination made by a court as to where the children will live and the rights and responsibilities of the parents to the children. Also known as an “allocation order.”

**Alternative dispute resolution (ADR)** —The use of legal methods other than a trial to resolve disputes or court cases. These methods include mediation and arbitration.

**Appeal** - A review of a lower court ruling or decision by a higher court. An appeal is decided on briefs and oral argument of counsel. No new evidence is taken on appeal

**Answer** - A legal document filed with a court in response to a complaint. An answer sets out the defendant’s legal position on the factual allegations and can set up legal defenses. Failure to file an answer can result in default.

**Arrearage** - The amount that is past-due on a series of monthly payments, such as a child support payments

**Attachment** – positive feelings of the child toward parents and other parent figures.

**“Best Interests of the Child”** – When parenting issues are decided, the judge determines what is best for the child based on all the information.

**Bonding** – Close relationship that develops between a young child and a parent or parent figure.

**Contempt** (also contempt of court) - Showing disrespect for or obstructing the business of a court or orders of a judge. Contempt can be punishable by a monetary fine, time in jail, or both

**Confidentiality** – Private information that cannot be shared with anyone else, except as required by law.

**Co-Parenting** – Parents working together to raise a child, even when they are not married and do not live together. This is not a legal term and not be confused with *shared parenting*.

**Court Order** – A written order made by a judge that must be followed.

**Custody** – The right of a parent to make major decisions for the children. The preferred term is now *allocation of parental rights and responsibilities, sole residential parent* and *shared parenting*.

**Default Judgment** – a judgment entered against a party who has failed to defend against a claim or lawsuit that has been brought by another party

**Dispute Resolution (DR)** – Ways to solve legal problems without a trial. Examples include mediation, collaborative law, or other settlement methods.

**Dissolution of Marriage** – The legal process of ending a marriage by mutual agreement of the couple. It requires agreement on all property division, child and spousal support and parenting issues.

**Divorce** – The legal process of ending a marriage when the couple does not agree on all aspects of property division, child and spousal support and parenting issues before one spouse files a complaint.

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***Domestic Violence*** – A pattern of abusive behavior used by an adult or adolescent to maintain power and control over a family or household member. Also known as domestic abuse, family abuse, and intimate partner violence. This term has different meanings for purposes of obtaining a civil or criminal ***protection order***. Consult Ohio statutes for a precise definition.

***Evidence*** - Facts, presented through testimony of witnesses and documents, which a court considers to make its decision.

***Exchange*** – Pick-up and drop-off of a child between parents or other caregivers.

***Expungement*** - A legal proceeding to remove an earlier criminal conviction from a person's permanent record. Ohio has a statute that specifies the requirements for getting an expungement.

***Family law*** – The laws relating to family relationships. They include laws about divorce, paternity, parenting, property and debt division, child support, spousal support (formerly alimony”) and other topics. The laws are based on statutes, rules and reported court decisions.

***Filing*** – Giving your legal papers to the Clerk of the Court

***“Frequent and Continuing Contact”*** – How the law refers to children having regular and ongoing contact with parents.

***Habeas corpus*** (see also writ) - A court order requiring government officials to bring an individual in their custody in prison or jail before the court so that the court can consider whether the custody is legally proper.

***Hearing*** – A scheduled appearance in court.

***Holiday Schedule*** – A part of parenting schedule that specifies how children will spend holidays with each parent and defines each holiday so both parents know when the holiday begins and ends.

***Indigent*** - Not having enough income or assets to be able to afford an attorney in a court case. In criminal cases, a person who is indigent has the right to have an attorney appointed by the court to defend them. (There is no right to counsel for an indigent defendant in a civil case).

***Joint Custody*** – A term no longer used in Ohio. See ***Residential Parent, Shared Parenting, and Sole Residential Parent***.

***Judgment*** - A final decision or order of a court, usually in the form of a decision.

***Litigation*** - The legal process of filing a case in court, investigating the facts, presenting factual and legal arguments before the court, and arguing in favor of a particular outcome.

***Magistrate*** - A judicial officer appointed (not elected) by a court to perform certain judicial functions, such as trials, hearings, deciding motions, etc.

***Mediation*** – A process to help parents resolve disputes cooperatively. Mediation is confidential. The parents meet with the mediator outside of court. The mediator does not give the parents legal advice, tell them what to do or make a recommendation to the judge.

***Mediator*** - A trained, neutral third party who helps the parents try to solve problems cooperatively through mediation.

***Modification of Parenting Order*** – Changes to an existing parenting court order. Changes can

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be enforced only if they are stated in a court order.

**Motion** - A formal request to a court, whether in writing or orally, for a particular ruling or result.

**Motion to dismiss** - A motion to a court, usually made by a defendant, to have the court end the case based on a factual or legal deficiency in plaintiff's claim.

**Order of Protection** – See Protection Order.

**Parental Rights and Responsibilities** – The rights and responsibilities of a parent to determine and control matters affecting a child's welfare and upbringing, as well as contact with a child. Parental rights and responsibilities can be allocated in the following ways: **shared parenting** or **sole residential parenting**.

**Parenting Coordination** – A non-confidential, child-focused dispute resolution process. A mental health or legal professional with mediation training or experience assists high-conflict parents by facilitating resolution of their disputes in a timely manner, educating parents about children's needs, and with the prior approval of the parties and/or the court, making decisions within the scope of the court order or employment contract.

**Parenting Order** – A court order that states when the child will be with each parent and who will make decisions. The parenting order may be developed by the parents on their own or with the help of a professional, such as a mediator, and attorney or a judge.

**Parenting Time** – The time a child spends with a parent according to the parenting time schedule.

**Party** - A person, corporation, or other legal entity formally involved in a court case.

**Paternity** – A legal action that results in a court order naming the child's father.

**Petition** - A legal document filed with a court to start a case, usually in a divorce case or when seeking a writ from that court, setting out the legal claims of the party who filed it.

**Petitioner** - The party who files a petition with a court seeking a specific court order or writ. Frequently used in civil protection order cases to describe the party seeking a CPO.

**Plaintiff** - A person, corporation, or other entity that starts a court case by filing a complaint and setting out their legal claims for recovery

**Pro se** - Representing one's self in court without an attorney. Anyone with a case in court should obtain the services of an attorney because of the risk of making a legal mistake that will harm their case.

**Probation** (community control) - The legal supervision of a criminal defendant after conviction, where the defendant does not go to jail or prison, but is allowed to remain free under strict conditions for behavior.

**Protection Order** – An order issued by the court to protect the person receiving the order and named children or other household members from physical violence.

**Residential Parent** – The parent with whom the child physically lives according to a court order. In a shared parenting plan “residential parent for school purposes” or “school placement parent” is the parent in whose school district the child can attend school.

**Respondent** - The party who defends against a petition filed in court. Frequently used in civil protection order cases to describe the person who would be the subject of a CPO.

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**Restitution** - Court ordered repayment by a criminal defendant to the victim of a crime of damages and costs incurred because of the criminal offense.

**Rules of Court** – A set of rules that control court procedures. The Ohio Rules of Civil Procedure apply to divorces and dissolutions. Individual courts may have local rules of practice.

**Settlement** - The resolution of a case by agreement between the parties, usually reached through negotiation or in mediation.

**Shared Parenting** – Both parents share making major decisions for their children, unless stated otherwise in the Shared Parenting Plan. It does not necessarily mean equal time with each parent.

**Shared Parenting Plan** – The document that states how the parents will make decisions for their children and the parenting time schedule.

**Sole Residential Parent** – The parent who has the right, by way of court order or law, to make major decisions for the children and with whom the children live when there is not *shared parenting*. Major decisions may include those concerning medical care, religion, extracurricular activities or education.

**Statue** – A law of the state of Ohio passed by the legislature. Most statues relating to family law are in Title 31 of the Ohio Revised Code. They are available in libraries or online.

**Stipulation** – a formal agreement of the parties. When written and signed by both parties, it may become a court order if approved by a judge.

**Subpoena** - A legal order requiring a person to provide testimony and/or documents in a legal proceeding.

**Summons** - A legal document issued by a clerk of courts informing a defendant that a complaint or petition has been filed against them and indicating that an answer must be filed within 28 days in Ohio. A party who fails to respond to a summons and complaint faces a possible default judgment. An individual receiving a summons and complaint should consult immediately with an attorney who handles litigation.

**Supervised Exchanges** – Pick up and drop off of the child in the presence of another specified adult.

**Supervised Parenting Time** – Parenting time during which the parent and child must be in the presence of another specified adult.

**Therapeutic Supervision** – Supervision of parent-child contacts provided by a therapist.

**Transition** – The adjustment time for parents and the child immediately before, during and after the exchange of the child between the parents or other caregivers.

**Trial** – A formal hearing with witnesses and evidence. (See *Hearing*.)

**Virtual Parenting** – Parenting time facilitated by electronic means to supplement, not replace, in-person parenting time. Examples include telephone calls, Web cam, videoconferencing, instant messaging, online chatting, telephone texting, etc.

**Visitation** – A term for parenting time that is not preferred. Instead see *Access, Parenting Plan* or *Parenting Time*.

**Warrant** - A court order that police or the sheriff arrest an individual, generally for the commission of a crime or violation of a court order. A person subject to an arrest warrant should consult with a criminal defense attorney.

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## Words You may Need to Know

***With prejudice*** - A phrase used in dismissing a case from court meaning that the claim can never be brought back to court again.

***Without prejudice*** - A phrase used in dismissing a case from court meaning that the claim could be brought back to court again in the future.

***Witness*** - A person who knows something about a case who testifies in court or in a deposition about those facts.