

Child Support, Custody Visitation

Of the nearly 20,000 cases filed in Juvenile Court every year, more than two-thirds involve a child support, custody or visitation issue that may include shared parenting, shared custody, changes in sole custody.

Administrative Procedure: Support orders enforced by an executive agency rather than by courts and judges.

Admissible Evidence: Information that can legally and properly be used in court.

Affidavit: A written statement of facts. The author must swear an oath that the facts are true. Must be notarized and administered by an appropriate court officer.

Alleged or Putative Father: A man named as the father of a child born to unmarried parents, but not been legally determined to be the father.

Amend: Change, correct or edit a complaint or other court document.

Appeal: Request for review made to a higher court by a party that lost on one or more issues.

Arrearage: Past due, unpaid child support owed by the non-custodial parent.

Biological or Natural Father: A man who has provided the paternal genes of a child.

Caption / In Re: The heading on a legal document listing the people or entities involved in the case, the court, the case number, and a description of the legal document.

Certified Copy: A copy of a document with a formal mark or seal from the person who keeps and maintains the original document. The formal mark or seal proves the document is a complete and accurate copy of the original.

Child Abuse: Any physical mistreatment of a child that indicates the child's health or welfare is harmed threatened. This includes any physical or mental injury, sexual abuse, negligent treatment or maltreatment by a person who is responsible for the child's welfare.

Child Neglect: Failure by a parent or legal custodian to provide appropriate care to a child, which threatens the child's overall well-being. This includes failure to provide a child with suitable food, shelter, clothing, hygiene, medical care, or parental supervision.

Child Support Enforcement Agency (CSEA): The state agency that locates non-custodial parents or putative fathers. The CSEA establishes, enforces, and modifies child support orders and collects and distributes child support money.

Civil Case: A non-criminal lawsuit.

Complaint: The formal written document filed in a court which sets forth the names of the parties, the allegations, and the request for relief sought. Sometimes called the initial pleading or petition.

Continuance: A decision by a judge to hold a court proceeding on a later date.

Criminal Non-Support: Criminal charges that can be brought when a non-custodial parent willfully fails to pay child support. There are criminal offenses for failure to support at both the state and federal levels.

- **Child Support Recovery Act (CSRA) (1992)** This Act makes it a federal crime to willfully fail to pay a past-due child support obligation for a child living in another state. The past-due obligation must be either greater than \$5,000 or must have remained unpaid for more than one year.
- **Deadbeat Parents Punishment Act of 1998 (DPPA)** A federal law that imposes criminal penalties on parents who repeatedly fail to support children living in another state or who flee across state lines to avoid supporting them; the Deadbeat Parents Punishment Act established felony violations for the willful failure to pay legal child support obligations in interstate cases.

Custodial Parent/Custodial Party (Obligee): The person who has primary care, custody, and control of the child, to which child support may be owed.

Custody Order: A legally binding determination that establishes with whom a child will live.

Default: Failure of a defendant to file an answer or appear in a civil case with the prescribed time after being properly served with a summons or complaint. The judge or magistrate may issue a default order or judgment in favor of the plaintiff.

Defendant: In a civil suit, the person complained against.

Dependency: Used to describe child neglect or child abuse cases.

Deposition: An oral statement made under oath, often taken from potential witnesses, that may be used later in trial.

Discovery: A lawyer's examination, before trial, of information held or known by the opposing party that helps the lawyer prepare for trial. This can also refer to the process used to gather that information, and to the information itself.

Disestablishment: Procedure by which an order, generally a determination of paternity, can be revoked.

Dismissal: An order or judgment ending a case without a final decision.

- **Dismissed With Prejudice:** Defendant may not be charged again with the same crime.
- **Dismissed Without Prejudice:** Defendant's actions may result in charges for the same crime.

Emancipation: The age a person is no longer considered a minor (child) under government laws.

Emergency Order/Ex Parte: A proceeding by one party only, without notice to or challenge by the other side.

Entry: The filing of a written, dated, and signed decision by a court. An entry can contain the court's final decision on a case, or it can be for one small issue, such as continuing a hearing.

Establishment: The process of determining legal paternity and/or obtaining a court or administrative order to put a child support obligation in place.

Evidence: Information presented in testimony or in documents that is used to persuade the judge or magistrate.

Exhibits: Physical evidence or documents that are used in a court proceeding.

Felony: A serious crime.

Finding: A formal determination by a court or administrative process that has legal standing.

File Stamped: A stamp on a document made by the Clerk of Court indicating the date and time a document was officially filed with the Court.

Foreign Decree: An out-of-state decree of divorce, dissolution, legal separation or annulment, or order that allocates or awards legal custody, physical custody, parenting time, companionship or visitation. It may be registered with the court to enforce or modify child custody determination however the act of registering does not necessarily vest the court with jurisdiction.

Foster Care: A form of substitute care, usually in a home licensed by a state agency, for children whose welfare requires that they be removed from their own homes.

Guardian ad Litem (GAL): A person appointed in juvenile cases, when there is a conflict between child and parent or when the court believes a GAL is needed for other reasons, to help the court determine what is in the best interest of the child.

Hearing: A formal proceeding. Parties and witnesses testify and evidence is presented to the judge or magistrate.

In Camera: In chambers or in private, outside of the presence of the parties and the public.

In Loco Parentis (In place of the parent): Refers to the actions of a custodian, guardian, or other person acting in a parent's place.

Indigent: A person who is unable to pay fees and costs related to a case.

Job and Family Services (JFS): Hamilton County Job and Family Services is the local agency that administers state, federal and local programs designed to support families and keep kids safe.

Judgment: The official decision or finding of a judge or magistrate, also known as a decree or order.

Jurisdiction: The legal authority of a court to hear and decide a case.

Juvenile: A person who is under 18.

Legal Father: A man who is recognized by law as the male parent of a child.

Litigation: A case, controversy, or lawsuit. Participants in litigation are called litigants.

Magistrate: An attorney appointed by a judge to hear certain cases. A magistrate hears evidence and makes rulings and issues a decision. The judge may accept the magistrate's order or modify it, but magistrates' orders are also effective without a judge's approval.

Magistrate Orders: Written orders that regulate proceedings in a case. Magistrate orders are effective without a judge's approval.

Mediation: A problem-solving process that includes a neutral third person. It is an alternative process to come to an agreement without a contested hearing.

Misdemeanor: An offense considered to be minor.

Mitigation: Facts that do not constitute a legal defense or excuse, but may be considered as reasons for reducing a penalty for an offense.

Motion: A formal way of asking the Court to hear an issue. Motions can be filed before, during, and after a verdict is reached in a case.

- **Motion in Limine:** A motion made outside the presence of a jury requesting that the court either allow or not allow certain evidence to be presented. These motions are usually heard before a trial begins.
- **Motion to Compel:** A request filed by one party for the Court to order the other party to respond to their questions or requests for documents. If a party does not produce the requested information, the party may face sanctions, such as a fine or have to pay the other party's attorney fees.
- **Motion to Suppress:** A motion to prevent admission of evidence in a case.
- **Motion to Vacate/Motion for Relief from Judgment/60(B) Motion:** A motion filed by a party after a final judgment entry has been signed requesting the court undo the judgment.

Non-custodial Parent (Obligor):

The parent who does not have primary care, custody, or control of the child, and who may have an obligation to pay child support.

Notice: When a person is officially told of a legal proceeding or the filing of a document.

Objection: A protest by an attorney, challenging evidence presented at trial.

Obligee: The person, state, tribal agency, or other entity to which child support is owed. (See custodial parent)

Obligor: The person obligated to pay child support (See non-custodial parent)

Ohio Revised Code (ORC): The written laws of the State of Ohio.

Ohio Rules of Civil Procedure: Rules that all Ohio trial courts must follow in civil (non-criminal) matters.

Oral Argument: An opportunity for lawyers to argue their case before the reviewing court and to answer questions from the judge or magistrate.

Order: A legally binding decision that sets forth the responsibilities of the parties to an action such as a determination of parentage of support obligation.

Parties: In a criminal case, the parties are the State and the Defendant(s). The State will be represented by a prosecutor, and a Defendant will either represent themselves (known as “pro se” representation) or they will have an attorney. In an appeal, the parties are the Appellant and Appellee.

Paternity: The legal establishment of fatherhood for a child, either by court determination, administrative process, or voluntary acknowledgment.

Payee: Person or organization in whose name child support money is paid.

Payor: Person who makes a payment, usually a non-custodial parent or someone acting on their behalf.

Person in Need of Supervision (PINS): A juvenile status offender who is involved in non-criminal behavior such as truancy or being a runaway.

Petitioner: The person, state or tribal agency initiating a petition or motion.

Plaintiff: A person who brings an action in a civil case. Also known as petitioner.

Pleadings: Statements or allegations, presented in logical and legal form, which constitute a plaintiff’s cause of action or a defendant’s grounds of defense.

Pre-Trial/Preliminary Hearing: A hearing used by the judge or magistrate to determine if there is enough evidence to prosecute an individual.

Pro se: When a person represents themselves in a legal matter instead of being represented by a lawyer.

Proceeding: The conduct of business before a judge or administrative hearing officer.

Protective Custody: In child abuse and neglect cases, the emergency removal of a child from their home when the child would be in imminent danger if allowed to remain with the parent or custodian.

Protective and Risk Assessment (PRA): An in-depth risk and needs assessment used for disposition and case planning purposes.

PSRA (Pre-Screen Risk Assessment): A short assessment used to determine a youth's likelihood of committing another delinquent act in the near future without formal intervention, which guides a probation officer's decision making on the child's case.

Public Defender: Court-appointed attorneys who only represent defendants if they are declared indigent. Public Defenders may be appointed in criminal cases where prison or jail time is a possible sentence, but not in civil cases or criminal cases where jail/prison is not a possible sentence.

Purge: To clear a legal debt by payment or cleaning and eliminate any charge or attribution of guilt or contempt.

Putative Father: The person alleged to be the father of the child but who has not yet been medically or legally declared as such.

Quash: To vacate or void a summons, subpoena, warrant, etc., making it no longer valid to be used for an arrest.

Recusal: A voluntary action by a judge or magistrate to remove themselves from a given case because of self-interest, bias, conflict, or prejudice. Also, the process by which a judge is removed from a case because a party objects to the judge's involvement in a case.

Remand: When an appellate court sends a case back to a lower court for further proceedings. The lower court is usually instructed to do something differently in the further proceedings, but that does not necessarily mean the lower court's decision will change.

Response: A response to a plaintiff's initial court filing, which is also called a complaint or petition. An answer normally denies some or all of the facts in the complaint and sometimes includes allegations or charges against a plaintiff, called a cross-complaint.

Seal/Under Seal: To stop a court record from being publicly available. A sealed record can be accessed only by certain people for specific and limited reasons.

Service: Delivery of a legal document, such as a complaint or a summons, by an authorized person following all requirements of the applicable laws. Service is required, unless waived, for complaints, summonses, or subpoenas, to notify a person of a lawsuit or other legal action taken against them.

Service of Process: The actual delivery of legal paperwork requiring a person to respond or appear.

Service by Publication: Service of process accomplished by publishing a notice, either in a newspaper or a public facility, after a court determines that other means of service are impractical or have been unsuccessful. This method of service is not available in every jurisdiction.

Shared Parenting Plan: A plan that addresses all child-related issues such as physical living arrangement, child support, medical and dental care, school placement, and parenting time. Under a Shared Parenting Plan, both parents are considered to be the residential parents and legal custodians of the child. A Shared Parenting Plan becomes an order of the Court.

Show Cause: An order directing a person to appear and bring forth any evidence as to why the remedies requested should not be granted. It is usually based on a motion and affidavit asking for relief.

Statute: Law

Stay: An order by a court that temporarily suspends all or some of the proceedings in a case.

Subpoena: A court order for a witness to appear and give testimony.

Subpoena Duces Tecum: A court order requiring a witness to bring certain documents or records to court within a specific time frame.

Summons: A notice to a defendant that an action against him or her has commenced in the court and that a judgment will be issued if the complaint is not answered within a certain time.

Suppress: To forbid the use of evidence at a trial because it is improper or was improperly obtained.

Termination of Parental Rights: A judicial proceeding freeing a child from all custody and control by a parent or parents so that the child may be adopted.

Transcript: A written, word-for-word record of what is said in court.

Transfer: Sending a case from one court to another.

Trial: A court proceeding in which a judge or a jury decides disputed facts and determines guilt or innocence based on the evidence presented.

Uphold: The appellate court agrees with the lower court decision and does not change it.

Vacate: To undo a decision by a court. The court will then have to make a new decision on the case or issue.

Visitation/Companionship: The right of a non-custodial parent to visit or spend time with his or her children.

Voluntary Acknowledgment of Paternity: Acknowledgment by a man, or both parents, that the man is the father of a child, usually provided in writing on an affidavit.

Waive: To voluntarily give up a known right. For example, by pleading guilty, a person gives up their right to a trial.

Ward: A minor who is under the jurisdiction of the Juvenile Court for a delinquent act, status offense, or an allegation or finding of abuse, neglect, or dependency.