

Clerk's Office

The Clerk's Office manages all clerical functions and paperwork for every case heard in juvenile court.

Adjudication: The equivalent of being found guilty in adult court. To be adjudicated means that the judge or magistrate has submitted a judgment, decree, or order based on the evidence presented.

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

Administrative Procedure: A method by which support orders are made and enforced by an executive agency rather than by courts and judges.

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

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

Answer/Response: A defendant's response to a plaintiff's initial court filing (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. It may also include affirmative defenses.

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

Arraignment: The initial hearing after a petition has been filed where the alleged offenses are read, the youth is advised of their rights, and they are asked to admit or deny the offenses.

Arraignment Waiver: A form that allows a youth to bypass the arraignment hearing and proceed to a pretrial hearing.

Arrearage: Past due, unpaid child support owed by the noncustodial parent. If the parent has arrearages, he or she is said to be "in arrears".

Bind Over: The process of transferring jurisdiction of a juvenile's case from Juvenile Court to adult court for prosecution.

- **Mandatory Bind Over:** Following a hearing to determine probable cause, Juvenile Court must transfer the case of any child who meets statutory age, offense, and prior record to adult court, to be tried and sentenced as an adult.
- **Discretionary:** Following an investigation and hearing, including a mental evaluation unless waived or refused, the Juvenile Court judge may consider, but is not required to transfer a case to adult court.

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.

Cause: Any question, civil or criminal, argued before a court of law. Another word for "case."

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 lets a reader know that 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 in which an individual, business, or government entity sues another to protect, enforce, or to be compensated for a violation of private rights.

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: Decision by a judge to hold a court proceeding on a later date. This may or may not be at the request of an attorney involved in the case, it could be at the request of a Private Citizen.

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.

Default Judgment: A court decision in favor of the plaintiff when the defendant does not answer or go to court when they are supposed to.

Defendant: In a civil suit, the person complained against; in a criminal case, the person accused of the crime.

Delinquent: The finding made in a juvenile case that a child has violated a law or ordinance. The term is used instead of "guilty," which applies to proceedings involving adults.

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.

Detention: The temporary confinement of a minor by a public officer pursuant to the law.

Detention Hearing: A judicial hearing, usually held after the filing of a petition for custody, to determine the interim custody of a minor pending an adjudication of the petition.

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 a tribunal can nullify an order or a determination of paternity generally.

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.

Diversion: Removing some minor offenses from the full judicial process on the condition that the accused youth participate in mandated treatment or rehabilitation programming and/or make restitution for damages.

DYS: Department of Youth Services, the state agency charged with holding incarcerated children after their adjudication and disposition in Juvenile Court.

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.

EMU: An electronic monitoring unit, otherwise known as an ankle bracelet.

Entry: The filing of a written, dated, and signed decision by a court. An entry can contain the court's final decision on an entire case, or it can be on one small issue, like 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.

Exculpatory Evidence: Evidence which tends to show the defendant's innocence.

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

Ex Parte: A proceeding brought before a court by one party only, without notice to or challenge by the other side.

Expungement: Officially eliminating a court record or of part of a court record. In some circumstances, a record may still be viewed by authorized people.

Felony: A serious crime.

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.

Finding: A formal determination that has legal standing.

Fitness Hearing: A hearing held to determine the fitness of a child to be held and his or her amenability to juvenile court services. It may also be referred to as a certification hearing, remand hearing, transfer hearing or waiver hearing.

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.

Habeas Corpus: Latin, meaning you have the body. A writ that is often used to bring a prisoner before the court to determine the legality of their imprisonment. A prisoner wanting to argue that there is not sufficient cause to be imprisoned would file a writ of habeas corpus. It may also be used to bring a person into court custody to give testimony, or to be prosecuted.

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

In Camera: In chambers or in private. A hearing in camera takes place outside of the presence of the parties/jury 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.

Incorrigible/Unruly: Behaviors that are not criminal, but could be addressed and tracked through the juvenile court system. Disobedient, dangerous and disruptive behaviors fall into this category.

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 in a case. A judgment is also known as a decree or order.

Jurisdiction: The geographic area over which the court has legal authority to hear and decide cases.

Juvenile: A person who was under 18 at the time of their offense. Once in the juvenile system, a person is considered a "child" until they turn 21.

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

Magistrate: An attorney appointed by the Judge to hear certain cases. A magistrate hears evidence and makes rulings in a case.

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

Mediation: An alternative process to prevent a contested hearing among parties that includes a neutral, third party to help identify areas of agreement.

Miranda Warning: A list of rights that must be read or out loud to a person who has been arrested or detained, before any questioning by police.

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.

Noncustodial Parent (NCP): The parent who does not have primary care, custody, or control of the child, and who may have an obligation to pay child support. Also referred to as the obligor

Notice: Official communication that a legal document has been filed and/or proceeding scheduled.

Nunc Pro Tunc: An entry made now to correct the court record about an act done previously. The corrected date becomes the effective date of the act.

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 trial courts must follow in Ohio in civil (non-criminal) matters.

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

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 noncustodial 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; the party who complains or sues in a civil case.

Plea: In a criminal case, the defendant's statement pleading guilty or not guilty in answer to the charges in open court. A plea of nolo contendere or an Alford plea may also be made. By pleading guilty, a defendant gives up their right to a trial and is also prohibited from raising a number of issues if they later choose to appeal.

Plea Agreement: Also called a “plea bargain” or a “plea deal.” An agreement between the prosecutor and the defendant, presented for the court's approval, regarding the sentence the defendant should serve upon a plea of guilty, an Alford plea, or a no contest plea. Typically, a defendant pleads guilty in exchange for some form of leniency. This may include pleading guilty to lesser charges, a dismissal of some charges, or the prosecutor’s recommendation to the judge for a shorter prison sentence. Even if a defendant and prosecutor agree on a recommended sentence, that recommendation is not binding on the court. This means a judge can give a defendant a greater or lesser sentence if they believe that is the proper punishment for the crime.

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-Screen Risk Assessment (PSRA): 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 a youth's case.

Pre-Sentence Investigation (PSI): A background investigation of the defendant, usually done by the county probation department, to assist the judge in sentencing a convicted defendant. Both the prosecution and the defense will receive a copy of the pre-sentence investigation and may use it to support their sentencing arguments. The copy must be returned after sentencing.

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

Privileged Communication: Confidential communications to certain people that are protected by law. Privileged communications cannot be disclosed in court. Communication between lawyer and client are

typically privileged. Generally, the privilege only protects the communication from disclosure in court or in connection with a court case.

Pro se: When a party represents himself in a legal matter, rather than being represented by a lawyer.

Probable Cause: Evidence required before a person or property may be searched or seized by law enforcement and before a search or arrest warrant may be issued. It requires a reasonable belief that a person is currently committing a crime, or that evidence of a crime will be found in a particular location.

- **No Probable Cause:** Insufficient reason or evidence to hold a person who was arrested.

Probation: A finding that allows the youth to remain outside of detention under the supervision of a probation officer, requiring compliance with certain conditions.

- **Probation Violation:** Failure to abide by the terms of probation resulting in revoking privileges and/or new charges.

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

Prosecutor: A trial lawyer representing the government in a criminal case. The prosecutor has the responsibility of deciding which crimes to prosecute and who will be prosecuted for those crimes.

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.

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.

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.

Respondent: The person against whom an appeal is taken. See Petitioner.

Response: A written pleading filed by a defendant to respond to a complaint.

Restitution: Financial reimbursement to the victim or community service imposed by the court.

Risk Assessment Instrument (RAI): A data-driven process used to assess the likelihood that a youth will reoffend or unable to comply with Court requirements and identify ways to intervene on the child's behalf.

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.

Serious Youth Offender (SYO): A blended sentence disposition available in Juvenile Court for certain youth, based on offense type and age at the time of an offense. Children with an SYO disposition are given a juvenile-court sentence, which remains in effect until the child reaches 21. In addition, they are given a suspended adult sentence, which could be served if the juvenile disposition is not successfully completed.

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: An order of the court 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.

Show Cause: An order directing a person to appear in court with evidence as to why the remedies requested should not be granted. Typically based on a motion or affidavit asking for relief.

Status Offense: Non-criminal misbehavior, which would not be criminal if committed by an adult such as truancy and runaway charges. The behavior is an offense only because the youth is a minor.

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.

Suspended Sentence: A sentence that is imposed, but not immediately carried out. The sentence is postponed, or stayed, for a period of time and on certain conditions set by the judge. If an individual does not follow the terms of the conditions the sentence will be imposed.

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.

Unofficial: The possibility that a misdemeanor, low-level charge may be diverted from the official court process. If the agreed upon terms of diversion are successfully completed by the child, charges are dismissed and sealed, without an official court record.

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.

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.

Warrant:

Written orders requiring probable cause, in order to be issued.

- **Arrest Warrant:** A written order directing an arrest be made.
- **Search Warrant:** Orders that a specific location be searched for items which, if found, can be used in court as evidence.