

Dependency

Dependency cases involve children under the age of 18 who need protection from harm and a safe and nurturing environment to grow up and thrive.

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.

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

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

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.

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.

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

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.

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.

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.

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. 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.

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.

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

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

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 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 entry.

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.

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..

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

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.

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

Pre-Trial/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.

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.

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 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.

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.

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.

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.

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