

Child Support

*Of the nearly 20,000 cases filed in Juvenile Court every year, more than two-thirds involve child support, custody, or visitation issues. The terms below are frequently used in **Child Support** cases.*

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 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.

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.

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

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.

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.

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

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

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.

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

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.

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.

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.

Obligor: The person obligated to pay child support.

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.

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.

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.

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.

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.

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.

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.

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.

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.