GLOSSARY:

**A**

**Access**: Established contact between the parent and child(ren).

**Administrative Assistant (AA):** The Judges’ clerk and support.

**Alternative Dispute Resolution:** A process for resolving disputes without litigation or trial. It usually means mediation or arbitration.

**B**

**Best Interest of the Child:** The overarching legal standard under which a court is supposed to make decisions regarding legal custody, parenting time schedules and other parenting plan issues.

**Blended family:** A newly established family unit that includes step-parents and/or step-children.

**C**

**CASA or Court Appointed Special Advocate:** A volunteer organization ordered by the Court to act as the child(ren)’s advocate. This person has access to child(ren) in both homes and reports to the Court.

**Case management:** A process where the judge appoints a professional (the case manager) to work with families on co-parenting issues and make orders regarding minor conflicts without the parties having to return to court.

**Change of Venue:** Moving a case or trial to another county or Judicial District within the state.

**Child Support:** The legal obligation of both parents to contribute to the financial needs of the child(ren). Usually paid by one parent to the other. It cannot be “waived” or bargained with in custody disputes.

**Child Support Guidelines:** Kansas Supreme Court Rules that judges and hearing officers are obligated to follow when determining how much child support each parent must pay toward raising their children.

**Conciliation:** Another form of alternative dispute resolution (see above). Conciliation means bringing two opposing sides together to reach a compromise in an attempt to avoid litigation or trial.

**Collaborative law:** Another alternative dispute procedure where the attorneys for both parents help them resolve conflicts using cooperative strategies rather than adversarial techniques and litigation. The parents and lawyers all sign an agreement which provides that if there is a contested motion or issue that must go to court, both parties' attorneys must withdraw from the representation

**Contempt of Court:** Willful disobedience of a judge’s order. If the Court finds you in contempt you can be sanctioned, be required to pay the other side’s attorney’s fees, or be put in jail until you “purge” yourself of the contempt (such as pay the child support as ordered).

**Co-parenting:** Parents working together in partnership as a unit to raise their child(ren).

**Co-parenting counseling:** Counseling that involves both parents working with a therapist/counselor to resolve issues and improve their co-parenting.

**Clerk of the Court:** An appointed officer who oversees the administration of non-judicial activities of the courts. Pleadings are filed with the Clerk.

**Court hearing:** An in-court presentation to the judge where the people involved in a case tell the facts and the law so the judge can make a decision.

**Court Order:** A directive from the Court that you must perform or not perform a certain action. There can be written court orders that will be served on you or sometimes there are verbal court orders that the judge addresses to one or both parents during a court hearing.

**Court reporter:** The person who usually administers oaths at depositions or hearings and makes the official record of court proceedings.

**Custody evaluation (or home study):** A process in which information is gathered by a neutral, court-appointed professional who reports to the court and makes recommendations on the best interest of the child(ren) with regard to custody, parenting time or parenting conditions. This process includes both parents and children and may include home visits and reference contacts.

**D**

**Defendant:** A person being sued or a person charged with a crime. In divorce cases the terms "petitioner" and "respondent" are used instead of plaintiff and defendant.

**Deposition:** The process of giving sworn testimony or evidence outside of court in advance of a formal court hearing. It is part of the “discovery” process.

**Discovery:** A formal or informal process where the parties exchange information to try and agree on facts, avoiding surprises at trial. If the process is formal it can include depositions, interrogatories, requests for admissions and requests for production of documents.

**Division of Children and Family (DCF\formally (SRS):** An agency that provides services for families such as temporary assistance, food stamps and the investigation of abuse and neglect.

**Domestic Relations Affidavit (DRA):** A Financial form that you must fill out and file under oath with the court stating all of your expenses, assets and debts. It is used by the courts in evaluating maintenance, establishing child support or modifying child support.

**F**

**Full custody:** There is really no such term in Family Court. It is often confused with sole custody, defined below.

**G**

**Garnishment:** A court order directing a third-party that money (usually wages paid by an employer or money in a bank account) be paid to the Court to satisfy a child support obligation or other judgment.

**Guardian Ad Litem (GAL)**: A lawyer appointed by the Court to represent the child(ren)’s interests.

**Guidelines (Blue Book):**  A set of suggestions developed by the Johnson County Bench/Bar Committee showing common, law-based methods a Court uses when deciding property division and parenting plans. A court is not bound by the guidelines but it is a place to begin settlement discussions. The Guidelines can be read at: <http://www.jocobar.org/associations/10019/files/FAMILY%20LAW%20GUIDELINES%202010%20-%20complete.pdf>.

**H**

**I**

**Interrogatories:** Written questions submitted to you by your co-parent (usually through the attorneys) that must be answered in writing and under oath within 30 days. Part of the “discovery” process.

**J**

**Journal Entry:** A pleading signed by the judge that usually contains findings of fact and court orders. It memorializes what happened at a particular hearing. It can also memorialize approved agreements of the parents.

**K**

**Kansas statutes regarding divorce, children, and parenting plans:** Are found in Chapter 23 of the Kansas Statutes Annotated. They can be found online at: http://www.kslegislature.org/li\_2012/b2011\_12/statute/023\_000\_0000\_chapter/

**L**

**Law library:**  A resource center located on the first floor of the Courthouse, providing information on legal proceedings to professionals and the public.

**Legal custody:** Refers to the rights and obligations of each parent to participate in the parental decision-making process regarding the child(ren)'s health, education and welfare. It is almost always granted jointly to the parents but in very rare cases sole custody is granted. It has nothing to do with the residence of a child or parenting time schedules.

**Litigation:** The process of taking a case through the court system.

**Local court rules:**  A set of local procedures a court will follow. Parents can review Johnson County's local rules, especially rules 18 through 26 regarding divorces, online here: <http://courts.jocogov.org/local_index.htm#civil>

**M**

**Maintenance:** Formerly called alimony, maintenance is typically a monthly support amount paid by the parent with a higher income or earning power to the parent with a lower income or earning power. It is ordered to be paid in an amount and length of time that the Court deems appropriate to help the lower earning parent cover living expenses, obtain training/education and employment, or otherwise adjust to life after divorce. It is based on a number of factors which constitute the need and ability to pay of the respective parents.

**Mediation:** The process of meeting with an impartial professional to help facilitate the communication between the parents with the goal of reaching a mutually- accepted agreement. It is a confidential process

**Motion:** A request to the Court that it take action, issue an order or change its orders. It typically must be written and filed with the Clerk of the Court. Occasionally, oral motions may be made during court hearings. Note that you cannot typically call or e-mail the Court and asked them to do something.

**N**

**Neutral Evaluation:**  A process where a third party expert listens to a case and offers non-binding advice for resolution. It can help a parent evaluating whether their expectations are reasonable.

**O**

**P**

**Parallel parenting:**  Refers to parents who don't communicate or cooperate with regard to the children but each have a substantial amount of parenting time. It is sometimes ordered by a court as a method of lowering tension by limiting the communication and joint decision making by parents who are in constant conflict.

**Parent coach:** A professional who works with a parent to help or “coach” the parent to enhance their ability to co-parent

**Parenting Forever (PF):** An orientation class by Johnson County Court Services that must be attended by the parents soon after a divorce or parentage case has been filed.

**Parenting time:** usually refers to the schedule for each parent to spend time with, or have physical custody of, his or her children following separation or divorce.

**Payment Center:** In Kansas, a center that collects and distributes child support for parents.

**Petition:** the initial pleading filed with the Court which begins the divorce process.

**Physical custody:** Has limited legal meaning. It is just which parent the child is with a particular time. See Parenting Time, above.

**Petitioner:** The person initiating or filing a lawsuit or divorce action.

**Primary residence**: An outdated term that generally means where a child lives a majority of the time. Today, a parenting time schedule typically does not refer to a “primary” residence.

**Pro Se:** A Latin term meaning “on one’s own behalf.”  In courts, it refers to persons who represent themselves without a lawyer.

**Protection From Abuse (PFA):** a case filed under the Protection from Abuse Act in which the plaintiff, usually *pro se*, obtains a restraining order against a spouse, former spouse or domestic partner prohibiting all contact by that person. The plaintiff must prove they are in reasonable fear of imminent bodily harm.

**Q**

**R**

**Residential Custody:** One parent having "residential custody" refers to a parenting time schedule where the child spends significantly more time at that parent's residence than the other. It is also used to designate which residence will be used for school enrollment or other official purposes regardless of the parenting time schedule.

**Restraining order:** A court order prohibiting a party or parent from doing something. They can be temporary, until a hearing on the issue can occur, or they can be permanent.

**Right of First Refusal:** An agreement or rule that when the parent who has the child(ren) temporarily cannot care for or supervise the child(ren), the other parent must be given the option of spending that time with the child(ren) before other family members or babysitters are used.

**S**

**Shared residential custody**: A parenting plan where the child(ren) spend equal or nearly equal time in each parent’s home. Sometimes it is (wrongly) called Joint Physical Custody.

**Significant other**: A person you are in an intimate relationship with that you are not legally married to.

**Sole legal custody:** When one parent is designated to make all decisions regarding the health education and welfare of the child(ren). The other parent might have parenting time and access to medical and educational records, but would not share in the significant decision making.

**Split custody:** Called “divided residency” in the statutes, is when one child primarily lives with one parent and another child primarily lives with the other parent. It is not favored by the Courts and the statute requires a court to make a finding of "exceptional circumstances” when approving such an arrangement.

**Status conference:** A meeting with the Court to update the judge on the progress of the case and sometimes set deadlines for things to occur, make other minor orders or set future hearings.

**Supervised Exchange Program (SEP)**: A Court Services program sometimes ordered by the Court to ensure smooth and safe exchanges of children between parents. There are private businesses offering similar services.

**Supervised Visitation Program (SVP):** A Court Services program the Court may require one parent or the other to participate in when the behaviors or problems of that parent cause the Court substantial concerns as to whether the child is physically or emotionally safe with that parent. That parent then must have parenting time supervised, usually by a social worker, who later makes reports to the Court regarding how the visits went. There are private businesses offering similar services.

**T**

**Temporary Orders:** Orders made soon after the filing of the divorce designed to give the parents rules to live by until their divorce can be settled or tried. Either parent can file a motion to modify the temporary orders before trial. Temporary orders are not necessarily indicative of how the Court might ultimately rule in the case.

**Transcript:** A written, word-for-word record of what was said, either in a proceeding such as a trial or during some other proceeding, such as a hearing or oral deposition.

**Trial:** the final evidentiary hearing after which the Court makes its ultimate rulings on the division of marital assets and debts, along with the parenting plan.

**Bench Trial:** A trial without a jury. The judge decides the case.

**Trustee:** An officer of the court that has the responsibility to collect and distribute child support

**U**

**UA:** Stands for urine analysis. A test sometimes ordered by courts to determine the level of drugs or alcohol in one’s urine. There are also blood or hair sample tests that a court might order a parent to submit to.

**V**

**Vacate:** To vacate or dismiss an order or judgment.

**Visitation:** an old term that refers to time spent with a child. Today we speak of, "parenting time" since neither parent nor child is really “visiting” the other but rather living their parent child relationship**.**