

GLOSSARY

Action

A dispute that has been brought before a court.

AD HOC:

A private attorney assigned by the court when the public defender and contractual counsel have conflicts. Ad Hoc attorneys are paid an hourly rate by the Defender General at the end of the case.

Adjudicate

To make a final decision; to give a judgment or a decree.

Affiant

Someone who makes and signs an affidavit.

Affidavit

A written statement of fact, signed and sworn to in front of a notary or a person who has the right to administer an oath.

Affirm

To swear or promise to tell the truth, or that a fact or statement offered is true.

Affirmation

In an Affirmation you are stating that all the information you have provided is true and correct to the best of your knowledge. You are also acknowledging that you understand that there may be criminal penalties and sanctions if you lie.

Aid to Families with Dependent Children (AFDC) *** (still correct name?)

Federal program providing public assistance on behalf of children who did not have the financial support of one of their parents due to the parent's death, disability, or continued absence. It was known in Vermont as Aid to Needy Families With Children (ANFC) and has been replaced by a program called Temporary Aid to Needy Families (**TANF**). *** (See *TANF* definition). In Vermont, this is known as *Reach Up or (RUFA)*.

Alimony

See *Spousal Maintenance* in this Glossary.

Allegations

Statements against one party which the other party is prepared to prove.

Alternative Dispute Resolution

A way to resolve disputes other than through a *judge* making the decision. This would include *mediation*, and also referred to as ADR.

Answer

The paper in which the *defendant* responds to the claims of the *plaintiff*.

A.O. 31

Administrative Order Number 31 ("Paperless Divorce"). A special provision allowing litigants represented by attorneys, or *pro se litigants* without minor children, to waive a final *hearing* for their divorce, provided certain conditions are met by them.

Appeal

A request made to a higher court to reverse or *modify* a *decision* made by a lower court.

Appellant:

The party who appeals a court decision to a higher court.

Appellee:

Party against whom an appeal filed.

Appearance

1. By coming into court, a defendant;
 - a. agrees to abide by the jurisdiction of the court.
 - b. gives to the court an address to which the court can mail notices of hearings and other court documents.
2. A document identifying someone who is representing another. An attorney files a *Notice of Appearance*, making it known to the court that she or he is representing a specific individual.

Arrears; Arrearage

An amount of money that is overdue; usually this refers to the amount of child support that has been ordered but has not been paid on time.

Assignment of Support Rights

The legal procedure by which a *custodial parent* receiving public assistance agrees to turn over to the state any right to child support, including any *arrears* paid by the non-custodial parent, in exchange for cash assistance and other benefits. States can then use a portion of the child support to recoup all or part of its expenditures on public assistance.

Assistant Judge

A person elected in each county who, with the presiding judge, determines facts in divorce proceedings; assistant judges are usually not lawyers. Also known as the "side" judge.

Attachment

The act of seizing a person or property under the authority of a judicial order so that the person or property is before the court, and subject to the court's judgment.

Attorney

See *Lawyer* in this Glossary.

Bankruptcy

A federal court procedure, which will excuse a person from paying certain debts or allow him or her to restructure the payment of these debts to their creditors. The filing of a bankruptcy petition halts any state court proceeding and may effect property rights in a divorce.

Burden of Proof

The obligation placed on one of the parties in a dispute to prove their *allegations* in order to obtain *relief* from the court.

Case

See *Action* in this glossary.

Case Manager

See *Family Court Case Manager* in this glossary.

Case Manager Conference

A conference set up with the parties and their attorneys after filing a divorce or parentage action, to discuss the issues in the case, including parental rights and responsibilities, parent child contact and child support. The Judge mandates attendance at this conference.

Central Registry

Also called the "OCS Interstate Central Registry", it is the branch of the OCS Interstate Unit that receives, distributes and responds to inquiries on all incoming interstate IV-D cases. (See *Office of Child Support* below.)

Certified Copy

A copy of a paper, which has been signed and certified as a true copy by the officer to whose custody the original is entrusted.

Chambers

A judge or Magistrate's office in the courthouse.

CHARGE:

Used in delinquency cases and in criminal cases, indicating the alleged violation of law

CHILD BENEFIT UNIT:

A division of the Department of Social and Rehabilitation Services which assists the Office of Child Support in obtaining child support from those parents whose child or children are in State custody

CHILD IN NEED OF CARE OR SUPERVISION (CHAN/CHUM):

Terminology used to describe types of cases in juvenile court in CHINS proceedings

CHAN (a) - has been abandoned or abused by his/her parent(s), guardian(s), or custodian(s);

CHAN (b) - is without proper parental care or subsistence, education, medical, or other care necessary for his/her well-being;

CHAN (c) is without or beyond the control of his/her parent(s), guardian(s), or other custodian(s), or being subject to compulsory school attendance, is habitually and without justification truant from school.

Child Support

An amount of money that a parent must pay to another parent to contribute to the living, medical and educational expenses of a child.

Child Support Guidelines

A standard method used to calculate *child support* that is based upon what the cost would be to raise a child if both parents lived together. The Guidelines are established by federal rules and administered by the *Office of Child Support*, which is located at:

103 South Main Street
Waterbury, Vermont 05676

1-800-786-3214

Website: www.ocs.state.vt.us

Child Support Worksheet

A document that is used to enter financial information and calculate the amount of *child support* according to the *Child Support Guidelines*.

Civil Action or Suit

A non-criminal case concerning the *claim* of one individual or entity against another individual or entity.

Civil Union

Two persons, of the same sex and not related to each other and not subject to another civil union or marriage, who have established a relationship pursuant to Vermont law and may receive the benefits and protections and be subject to the responsibilities of spouses.

Civil Union Dissolution

Under the jurisdiction of the Family Court, a dissolution (or ending) of a Civil Union follows the same procedures as a divorce and is subject to the same rights and responsibilities involved in a dissolution of a marriage.

Claim

Legal and factual grounds for a court to grant *relief*.

Co-habitant:

Adult family member or person living as spouses in the same household with the applicant who is applying for public defender services

Complaint

The formal, written document filed in a court in which the complainant (the one filing the complaint) specifies the names of the parties, the allegations, and the relief being sought (what the complainant is asking the court to do). This is sometimes called the initial pleading or petition.

Conclusions of Law

The *decision* made by the presiding judge by applying the law to the facts of the case.

Conflict Counsel:

An attorney under contract with the state to provide representation when the public defender has a conflict or is already representing another party in the case.

Consumer Credit Protection Act (CCPA)

A federal law that limits the amount that can be withheld from a non-custodial parent's wages to satisfy child support obligations. States are allowed to set their own limits provided they do not exceed the federal limits.

Contempt

A willful disregard or disobedience of the court's order, or of a public authority.

Contested Case

An *action* in which the *defendant* opposes the *relief* sought by the *plaintiff*.

Continuance

Postponement of a *hearing* pending in court.

Contract

An agreement that may be enforceable through a court action.

Counsel

See *Lawyer* in this Glossary.

Controlling Order Determination:

The doctrine that only one support order should exist between the same parties and child(ren) at a time. In the event that more than one order exists, a Controlling Order Determination by the Judge or Magistrate must be made.

Counterclaim

A *claim* asserted by a defendant against the *plaintiff*.

Course of conduct

Means two or more acts over a period time, however short, as defined in 12 VSA ____ Stalking and 15 VSA ____ RFA.

Court Order

A legally binding ruling issued by a Magistrate, Judge, or properly empowered administrative officer. A court order related to *child support* can dictate how often, how much, and what kind of support a non-custodial parent is to pay, how long he or she is to pay it, and whether an employer must withhold support payments from their wages.

Custodial Parent

The person who is given primary *parental rights and responsibilities* to raise a child under a divorce or parentage *order*.

Custody

Actual care and control of a child.

See *Parental Rights and Responsibilities* in this Glossary.

Decision

The determination by the Judge or Magistrate of the facts or issues brought before him or her.

Decree

The court's final *decision* on a *case* brought before it.

Default

The failure of a *party* to file an *answer* or appear in a *civil case* within the prescribed time after having been properly served with a *summons* and *complaint, or motion*.

Default Judgment

A court ruling against a party who has defaulted.

Defendant

The person against whom a civil or criminal action is taken; sometimes this person is called a *respondent*.

DELINQUENT ACT:

An act which would be considered a crime had it been performed by an adult.

Delinquent Child:

Any juvenile who has been adjudged delinquent and is still subject to the jurisdiction of the court.

Denial

An *answer* to a *complaint* in which the *defendant* denies the *allegations* made by the *plaintiff*.

Department of Children and Families

The Department of Children and Families is a division of the Agency of Human Services.

Dependent

A child who is under the care of someone else, such as a parent. Most children who are eligible to receive child support must be dependents. Children are no longer considered dependents when they reach the "age of majority" as defined by state law (age 18 in Vermont), but they may still be eligible for child support.

Deponent

A witness or party subject to a *deposition*.

Deposition

A type of *discovery*. Testimony taken orally or in writing outside of a courtroom by question and answer under *oath*. It may be read in court and may be admitted by the judge as evidence.

DETENTION (DETAINED):

The temporary care of a child who is in custody for his/her protection or the protection of a community while a court case is in progress.

Detention Hearing:

A hearing at which the court determines whether the child should continue to be detained for his/her best interests or in the interest of public safety and protection.

DETENTION ORDER:

An order issued by the court placing the juvenile in custody of SRS

Discovery

The procedures available to a *party* to a *lawsuit* to learn relevant facts which are known to other *parties* or witnesses, in order to enable the party to prepare for trial. It can be oral, depositions or written interrogatories.

Dismiss

To close out a *case* without granting the *relief* sought in the *complaint*; a case may be dismissed by the parties or by the court.

DISPOSITION HEARING:

The final hearing in a juvenile proceeding. At this time, testimony or evidence are presented by the parties and a disposition plan is submitted by SRS for the court's consideration. The judge determines the appropriate care, treatment, or supervision for a child found to be delinquent or in need of care or supervision and issues a disposition order.

DISPOSITION ORDER:

An order issued by the court determining the appropriate care, treatment, or supervision for a child found to be delinquent or in need of care or supervision.

DISPOSITION REPORT:

A report prepared by a social worker from the Department of SRS which contains information about the child's background, the resources available in the community, a treatment plan and goals of treatment.

District Court

A trial court that has jurisdiction over all criminal proceedings.

DIVERSION:

A program designed to “divert” juveniles from juvenile court proceedings into a less formal proceeding. This program is recommended by the State’s Attorney. It involves going before a board of citizens who talk with the juvenile and design a contract for him/her to follow. A contract might include an apology to the victim or volunteer work

DNA Testing

A way to determine the parents of a child by testing the chromosomes of each parent and child through taking a blood sample or saliva swab.

Docket

Court Docket: A list or calendar of cases for a particular day.

Docket Sheet: A written list of all the proceedings in court in a particular case.

Docket Number: A number that is given to each case as it is filed in the court. This number should be listed on all papers that are filed with the court.

EMERGENCY DETENTION ORDER (EDO):

A temporary order issued by the court placing a juvenile in DCF custody.

Enforcement

Putting a law into effect or carrying out an *order*.

Entry Fee

See *Filing Fee* in this Glossary.

Ex Parte

Latin phrase for *relief* by or for one party that may be granted without notice to the opposing party.

Execution

Putting the final order into effect; it may include collecting money ordered by the court.

Evaluation

An examination by a mental health provider or substance abuse counselor ordered by the judge to aid in reaching a decision in the case.

Evidence

Testimony, writings, material objects or other things that are offered to prove the existence or nonexistence of a fact. As part of the court procedure, it means the rules of law by which the judge determines what *testimony* shall be admitted or rejected.

Family Court

A trial court that has jurisdiction over all family cases, including divorce, child support, parentage, domestic abuse and juvenile cases.

Family Court Case Manager

Each family court has a “case manager” who meets with the parties prior to hearings and conducts discussions concerning the establishment of *parentage*, *custody* issues, and *child support* orders and modifications. The case managers have no role in deciding cases, but serve as resource to the litigants.

Family Support Act

A federal law passed in 1988 mandating (1) wage withholding for the payment of child support unless the court finds that there is good cause not to require withholding or unless both parents agree in writing to another arrangement; and (2) states’ use of federal guidelines when determining the amount of support for each family, unless it is shown that it would be inappropriate to apply the guidelines in a particular case.

Federal Tax Offset Program (TOP)

A program that collects past-due *child support* amounts from non-custodial parents through the interception of their federal income tax refund, or an administrative payment, such as federal retirement benefits. This program also incorporates the Passport Denial Program, which denies U.S. passports at the time of application when the applicant’s child support debts exceed \$5,000. The program is operated in cooperation with the Internal Revenue Service, the U.S. Treasury Department, the U.S. Department of State, and state child support enforcement agencies.

Filing Fee

Amount of money charged by the court when a case is begun, or paperwork is filed.

Findings

Rulings by a court as to what facts are true.

Findings of Fact

See *Findings* in this Glossary.

Garnishment

A legal proceeding under which part of a person's wages or assets are withheld for payment of a debt. This term is usually used to specify that an income or wage withholding is involuntary.

Genetic Testing

See *DNA Testing* in this Glossary.

Gross Income

Income received prior to any deductions (such as taxes, retirement, medical benefits, etc.)

Guardian:

A person who has the responsibility and care of a child or vulnerable person.

Guardian ad Litem

A trained volunteer appointed by the court to represent the best interests of a minor child in a juvenile, domestic violence, divorce or parentage case, as well as some criminal, probate and mental health cases. Guardians are different from attorneys in that they make a recommendation to the court about what they think are the best interests for the child. Attorneys must tell the court what their clients (including children) want even if it is not in their best interests. *Ad Litem* is Latin meaning "for the case." The GAL is appointed only until the case is resolved.

GUARDIANSHIP OF A MINOR:

The legal status created by order of the juvenile court, which gives a party the authority to make decisions on behalf of a minor child.

Hearing

A proceeding in which evidence is presented to the court.

Home Study

A professional investigation of the living situation of each of the parents for the court's use in determining parental rights and responsibilities, as well as parent child contact.

In Forma Pauperis

Latin phrase ("In the manner of a pauper") referring to someone who does not have the financial ability to pay for all or part of the cost of litigation. A person may seek *in forma pauperis* status in order not to have to pay filing fees or the cost of serving papers on the other party. Sometimes this is abbreviated "IFP".

INTERSTATE COMPACTS:

Agreements between states that provide for an orderly procedure for following the orders of this or another state's courts.

Interim Domestic Order

An *Order* which sets forth terms appropriate for a *Temporary Order* in almost any case. It prohibits either party from unilaterally taking custody of children, taking possession or disposing of bank accounts and other financial assets, and requires insurance coverage and other household systems to remain in place. Its effect is to stabilize the situation while parties begin to sort out the issues.

Interrogatories

A type of Discovery. Written questions of one party which are served on the other party, who must answer by written replies under oath by a certain date.

IV-D

Pronounced "Four D". Refers to the Title in the Federal Social Security Act under which the *Office of Child Support* is reimbursed for providing service to persons who receive public assistance or who otherwise apply for their services.

IV-D Case ("Four D case")

A child support case in which at least one of the parents has requested or received IV-D services from the state's IV-D child support agency. A four D case is comprised of a custodial parent, a non-custodial parent or alleged putative father, and dependents.

Judge

In Vermont, the Family Court Judge presides over cases involving divorce, separation, civil dissolution, abuse, the establishment of parentage and custody as well as contempt actions. (Whereas Family Court Magistrates preside over the establishment, modification and enforcement of child support). The judge is trained in the law and appointed by the governor.

Judgment

The official decision (or "finding") of a Judge or administrative agency. Also known as a "decree", or "order", it may include "findings of fact" and "conclusions of law."

Jurisdiction

Authority of a court over a person, subject matter or geographic area, so that the court has the right to issue a binding order.

JUVENILE:

A person under eighteen years of age.

Law

A body of rules of action or conduct, determined by a controlling authority, and having binding, legal force.

Lawyer

A person licensed by the State to represent people in court and give legal advice.

Legal Rights and Responsibilities

The right to make decisions for the child, including granting permission for medical treatment for the child, and the right to have access to the child's school and medical records, other than routine daily care and control of the child

Litigant

Term used to describe a *party* to a legal action. A *litigant* can be a *plaintiff* or a *defendant*.

Magistrate

Family Court Magistrates preside over the establishment, modification and enforcement of *child support*. (Whereas Family Court Judges preside over cases involving the establishment of parentage and custody as well as contempt actions.) The magistrate may also hear issues on *parental rights and responsibilities* and *spousal maintenance*. Magistrates are law-trained and appointed by the Governor.

Maintenance Supplement

An amount of money added to a child support award in order to ensure that the child lives in the same living conditions as the child would have if the child had been still living with the other parent. This amount is technically granted to one of the parents, and can be permanent or temporary.

Mediation

A process under which parties work with a trained neutral person to attempt to resolve issues on their own.

Memorandum (or Memo)

A written document in support of a certain position.

Memo in Opposition

A *memorandum* to respond to another written memorandum or written request to the court.

Merits Hearing:

A merits hearing is a hearing at which evidence and testimony by witnesses are presented to either support or refute the allegations of the petition.

Minor

Any person under the age of 18 years old. See *Juvenile* above.

Modify; Modification

To alter; to change; to extend; to amend; to limit; to reduce, an Order of the court.

Motion

Written request to a court for an order granting any kind of *relief*.

Nisi Period

A waiting period of time after a final order is issued (traditionally 90 days) before it becomes final, and can no longer be changed or modified. During the *nisi* period, changes to the order (concerning all conditions) can be requested and parties can reconcile without having to remarry. Until the *nisi* period is over, parties cannot marry someone else. After the period is over, all conditions in the order, with the exception of those pertaining to the minor children of the parties, are final and cannot be re opened or changed by the court or parties. The period of 90 days can be shortened on request of the parties and approval of the judge.

Notary Public

A person who is legally authorized to administer *oaths* and verify that someone has completed an *affidavit* under oath.

NOTICE OF APPEAL:

The document filed when a case is appealed.

Notice of Appearance

A paper filed in court notifying the court and the other parties that a party (or their lawyer) is participating in the case. See *Appearance* in this Glossary.

Oath

Swearing or affirming that a statement is true. If someone makes a statement under oath and knows it is false, that person may be subjected to prosecution for perjury. Written documents as well as spoken testimony may be made under oath.

Obligation

The amount of money or other type of support the non-custodial parent must provide on a continuing, ongoing basis.

Obligee

Legal term for the custodial parent — the person, agency, or other institution to whom child support is owed. Also referred to as the "resident parent."

Obligor

Legal term for the non-custodial parent — the person who is obliged to pay child support.

Office of Child Support

The agency in Vermont responsible for locating non-custodial parents or *putative* or alleged fathers; establishing, enforcing, and modifying child support orders; and collecting and distributing child support money. It is operated by state and local governments according to the child support guidelines in Title IV-D of the Social Security Act. For this reason, it is often called an "IV-D agency".

Office of Child Support

103 Main Street, Waterbury, Vermont 05676

1-800-786-3214

Website: **www.ocs.state.vt.us**

Parent-Child Contact

A court determination establishing the conditions under which a parent may be with his or her child. Formerly known as *Visitation*.

Parentage

The legal determination of who is a child's father or mother. Parentage must be established before child support or medical support can be ordered and determines whether the parent may be entitled to parental rights and responsibilities and parent/child contact.

Parental Rights and Responsibilities

(Used to be known as *custody*) Issues for court determination in a divorce or parentage action. *Physical Rights and Responsibilities* include where the child lives and who cares for the child; *Legal Rights and Responsibilities* include the right to make decisions for the child, including granting permission for medical treatment for the child, and the right to have access to the child's school and medical records.

Party

A person who has appeared in court in regard to an action and whose rights are subject to the court's jurisdiction.

Paternity

The determination of the father of a child born out of wedlock.

PERMANENCE:

When the Court has lost jurisdiction over the matter either when a child turns 18 years old or when SRS custody has been vacated.

PERMANENCY ORDER:

An order issued by the court after the permanency planning hearing.

PERMANENCY PLANNING HEARING:

This hearing will take a serious look at making sure that your child has or will soon have a permanent home, for the child's well being.

PERMANENCY REPORT:

A report generally filed by Department of Children and Families that states the goal of the last case plan in a juvenile proceeding.

Petition

A formal written request to the court that a certain thing to be done by the court or a party.

Plaintiff

A person who initially files a legal action; the party who complains or sues in a civil case.

Pleading

Statements or claims describing a *plaintiff's* reason for action or a *defendant's* grounds for his or her defense; the process by which parties *file* things in court, including beginning a case, responding to issues in court, and *counterclaims*.

Preside

To direct, control or govern a court.

Presiding Judge

See *Judge* in this Glossary.

PROBABLE CAUSE:

The determination by a judge that there is reason to believe that a crime or a delinquent act has occurred.

Proceeding

The conduct of business before a Judge, Magistrate or administrative hearing officer.

Pro Bono

A Latin phrase meaning "For the public good": when a lawyer takes a legal case without being paid, and without expecting payment.

Pro Se

A Latin phrase meaning "For Oneself." This term is used to refer to those people representing themselves in court without a *lawyer*.

PROBATION:

1. An Order issued once a juvenile is adjudicated a delinquent child which may include standard and/or special conditions necessary for the juvenile's rehabilitation.
2. A suspended prison sentence imposed in a criminal case, in which the defendant is placed under the supervision of the Vermont Department of Corrections.

Proposed Order

An order presented to the judge by the parties or the parties' lawyer for approval and *execution*.

Putative father

The person alleged to be the father of a child but who has not yet been legally declared the father. Also referred to as the "alleged father."

QDRO

Qualified Domestic Relations Order. The legal method by which a pension or other defined compensation plan is divided.

Reach Up Family Assistance (RUFA)

Federal program providing public assistance on behalf of children who did not have the financial support of one of their parents due to the parent's death, disability, or continued absence. It was known in Vermont as Aid to Needy Families With Children (ANFC) and has been replaced by a program called Temporary Aid to Needy Families (TANF). (See *TANF* definition, below). In Vermont, this is known as Reach Up or (*RUFA*).

Registry

The OCS Registry is the branch of the Office of Child Support that administers wage withholding for child support. The law allows the Registry to charge an administrative fee for certain services.

Relief

The redress or assistance requested by or awarded to a plaintiff or petitioner by the court.

Reopen

Reopening of a case permits the introduction of new evidence and to permit a new trial.

RESIDUAL PARENTAL RIGHTS:

Those rights and responsibilities of parents which remain after the legal custody or guardianship of their child has been transferred to another party. Such rights include, but are not necessarily limited to, reasonable visitation, the responsibility for support, and the consent to adoption.

Respondent

The party who answers a pleading or a party against whom an appeal is brought.

RESTITUTION:

A condition of probation requiring repayment to the victim of his/her offense.

Request to Find

Request for written determination of facts by a judge after a trial.

Return of Service

A statement that a complaint or other document has been served on a party.

Ripe Date

The earliest date after filing in which a divorce case can be set for a final hearing.

RUFA

See *Reach Up Family Assistance* above.

Separation Agreement

A document that may determine parental rights and responsibilities, parent-child contact and support without granting a divorce.

Service

The delivery of a *pleading*, notice, or other paper in a suit, to the opposite *party*.

Settlement

An agreement which is reached by the opposing parties between themselves, making it unnecessary for the court to resolve the controversy. It sometimes requires the approval of the judge before taking effect.

Sheriff's Fee

The amount of money charged by the sheriff for serving a document to a party.

Small Claims Court

A court which can decide on claims up to a certain, limited dollar amount. The proceedings are in the Superior Court and are less formal than in other types of courts and parties usually represent themselves. Many counties now have mediators available to work with the parties.

Spousal Maintenance

Court ordered support of a spouse or ex-spouse; this arrangement may be temporary or permanent. Also known as *Alimony*.

Stalk

means to engage in a course of conduct which consists of following or lying in wait for a person, or threatening behavior directed at a specific person or a member of the person's family, and:

- (A) serves no legitimate purpose; and
- (B) would cause a reasonable person to fear for his or her safety or would cause a reasonable person substantial emotional distress.

Status Conference

A meeting at court in which the judge or magistrate attempts to identify what issues are contested, what discovery needs to be completed, and what future hearings are needed. No evidence is presented and no witnesses are called at these meetings.

STATUTES:

Laws enacted by the Legislature which govern crimes, and governmental bodies.

Statutes of the State of Vermont are contained in volumes of the Vermont Statutes Annotated (V.S.A.).

Stipulation

An agreement between opposing parties on any matter relating to the proceeding or trial, including an agreement on support, *parental rights and responsibilities*, *parent-child contact*, child support and property division on either a temporary or final basis.

Subpoena

An order to compel someone to come to a court on a certain date and time; there are penalties if that person doesn't come to court. It can also order a person to produce certain papers or records ("Duces Tecum").

Suit (Lawsuit)

See *Action* in this Glossary.

Summons

A document directing a sheriff or other officer to notify the person named in the summons that a *lawsuit* has been started against him or her in court, that he or she must go to court on the day listed in the summons, and must file an *answer* to the *complaint*.

Superior Court

Trial court with a courthouse in each county. This court usually hears only civil cases, including *small claims* cases.

Supreme Court

The Vermont court of final *appeal*, located in Montpelier.

Temporary Aid to Needy Families (TANF)

Time-limited public assistance payments made to families based on Title IV-D of the Social Security Act. TANF replaced the "Aid to Families with Dependent Children" program (AFDC, otherwise known as "welfare") in 1996. The program provides parents with job training, work and support services to help them become self-sufficient. Single parents applying for TANF are automatically referred to their state IV-D agency in order to establish paternity and obtain child-support from the non-custodial parent. This allows the state to recoup all

or part of its expenditures on public assistance from the non-custodial parent. In Vermont, this program is known as "Reach Up Family Assistance." (RUFA".)

TERMINATION OF PARENTAL RIGHTS:

Removes all normal rights of parents, including the right of visitation and the duty to support the child.

Testimony

Evidence given by a competent *witness* under *oath* or *affirmation*.

UCCJA

Uniform Child Custody Jurisdiction Act. Vermont and the other 49 states have this law, which makes sure that only one state can decide parental rights and responsibilities of a particular child.

UIFSA

Uniform Interstate Family Support Act. A federal law governing laws enacted at the state level to provide mechanisms for establishing and enforcing child support obligations in interstate cases. Among the law's provisions is the ability of state IV-D agencies to send withholding orders to employers across state lines.

URES

Uniform Reciprocal Enforcement of Support Act. A federal law passed in 1950 that provided the mechanism for establishing, enforcing and modifying support obligations in interstate cases. It has now been replaced by UIFSA (see above).

Uncontested

A case in which all of the issues are resolved and agreed upon by both parties; usually the parties will file a *stipulation* and proposed order to the court.

Visitation

See *Parent/Child Contact* in this Glossary.

Wage Withholding

A method of paying child support. Under court order, money is withheld from the wages of a non-custodial parent, sent to the Office of Child Support Registry and then sent to the custodial parent.

WAIVER OF SERVICE:

The act of accepting service of a summons or court order without having service made by a law enforcement officer.

Writ

A document issued by a court that compels a sheriff or other officer to do something.

**You can obtain helpful information, as well as court forms at:
www.VermontJudiciary.org.**