

Terminology

Definitions of Terms Used in Juvenile Court

Adjudication: Like a trial; the hearing in which a judge listens to testimony and declares if the alleged charges are true.

Affidavit: Written statement of facts; the person who signs the affidavit swears an oath that the information given is true.

Allegation: A charge or claim made against someone.

Appeal: A complaint to a higher court asking to overturn the decision made by a lower court.

CASA (Court Appointed Special Advocate): A specially trained community member who is selected by the judge to advocate for the best interests of the child.

Case Plan: The list of steps that all parties must take before a child returns to the parents home; it is very important that parents follow the case plan and complete every requirement of the plan; case plans are reviewed at least every 6 months.

Case Manager: The person employed by DFACS to monitor the progress that a family is making on their case plan; the case manager can assist in providing services to the family and arranging visitation with the children.

Child Abuse: When a parent or caretaker intentionally injures a child; when a parent or caretaker intentionally neglects or exploits a child; any sexual abuse or exploitation of a child.

Child Advocate: Attorney assigned by the judge to represent the best interests of a child; the child advocate does not work for DFACS or for either parent of the child.

Citizen Review Panel: A group of trained community members who review the progress a family is making on their case plan and report those findings to the judge.

Complaint: A formal charge or allegation made against another person.

CPS (Child Protective Services): The section of DFACS that responds to initial complaints of possible abuse of deprivation.

Custodian: Person who has been given physical custody of a child and is required to provide for that child's needs and safety.

Delinquency: Juvenile actions or conduct in violation of criminal law and, in some contexts, status offenders.

Delinquent: Juvenile who has been adjudicated by a judicial officer of a juvenile court as having committed a delinquent act.

Deprived Child:

- (1) A child who is not receiving proper parental care; this includes a child who is not getting proper food, is not going to school, or is not receiving proper medical care;
- (2) A child who has been illegally adopted;
- (3) A child who has been abandoned;
- (4) A child who does not have a parent or guardian.

DFACS (Division of Family and Children Services): A state agency under the Department of Human Resources that provides child protection services and case management services families.

Disposition: Hearing after the adjudication to determine where a child will live while the parents complete the case plan.

Foster Care: State licensed temporary home, group home or shelter where a child may stay during court proceedings and while the parents work on the terms of the case plan.

Guardian: Person, other than the parent, who has legal responsibility for a child.

Hearing: A trial or proceeding before a judge.

Jurisdiction: The power of a court to hear a case.

Legal Father: A man who has a legal right to be included in the upbringing and care of a child; a legal father is one of the following:

- (1) A man who is married to the mother at the time a child was conceived or born;
- (2) A man who is not married to the mother, but acknowledges paternity and legitimates the child through a court action; or administratively at the hospital.
- (3) A biological father who acknowledges paternity and marries the mother.

Note: Naming a man as the biological father on a birth certificate, merely determining paternity through a blood test or ordering him to pay child support does not necessarily make him a legal father.

Legitimation: The process in which a man acknowledges paternity and establishes a legal father-child relationship.

Mandated Reporter: A person required by law to report suspicion of a child abuse; this includes doctors, nurses, teachers, police officers, childcare providers, and others.

Mediation: Alternative to court proceeding where families try to reach solution on their own; an impartial mediator leads the session and helps the parties come to an agreement among themselves rather than having a judge decide.

Non-Reunification: A plan in which custody will not go back to the parents; in some cases, non-reunification plans may precede a termination of parental rights action.

Party: Either the petitioner or the respondent in a lawsuit. The parties to a deprivation case are DFACS, parents and the child advocate.

Permanency Hearing: A hearing after the disposition to determine what the permanent plan for the child is going to be; Federal law says this hearing must take place no later than 1 YEAR after the day a child is taken into custody.

Petition: A legal document that states the reasons the court should get involved in a matter and asks the court to take a certain action.

Petitioner: Party that is making the claim of abuse or deprivation against the parents.

Putative Father: Man who is alleged to be the biological father of a child; putative fathers have no legal rights to the child, but can establish those rights by legitimating the child.

Respondent: Person against whom allegations or charges are brought.

SAAG (Special Assistant Attorney General): the lawyer who represents DFACS.

Status Offense: Act that is declared by statute to be an offense but only when committed by a juvenile. It can be adjudicated only by a juvenile court.

Subpoena: A legal document requiring a person to come to court; if you get a subpoena, you must come to court.

Summons: A legal document notifying you of a court case and telling you when to come to court.

TPR (Termination of Parental Rights): Legal and permanent severance of the parent-child relationship; if parental rights are terminated, the child may become eligible for adoption.