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Self-Help Glossary

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A

abandonment: When a parent leaves a child without enough care, supervision, support, or parental contact for an excessive period of time.

abrogate: To repeal or cancel an old law using another law or constitutional power.

abstract: A summary of what a court or government agency does.

abstract of judgment Summary of the court's final decision. Can be used as a lien if you file it with the county recorder.

accessory: A person that helps someone else commit a crime, either before or after the crime.

accomplice: A person that helps someone else commit a crime. Can be on purpose or not.

accrual: The total amount of child support payments that you owe or that are late.

accused: The person that is charged with a crime and has to go to criminal court. (See [defendant](#).)

acknowledgment: Saying, testifying, or assuring that something is true. You can say this out loud or write it down.

Acknowledgment of Satisfaction of Judgment: A court form that the judgment creditor must fill out, sign, and file with the court when the judgment is fully paid. If no liens exist, the back of the *Notice of Entry of Judgment* can be signed and filed with the court. (See [judgment creditor](#), judgment.)

acquittal: When a judge or jury finds that the person on trial is not guilty.

action: In court, when one person sues someone else to:

- defend or enforce a right,
- stop something bad from happening or fix something, or
- punish them for a crime.

active status: A case that is in court but isn't "settled" or "decided" has active status. (See [disposition](#), [pending](#).)

adjournment: When a judge hears and decides a case.

adjudication: The judge's decision in a case or action.

ad litem: "For this lawsuit." Comes from Latin.

administrative procedure: The way an executive government agency makes and enforces support orders without going to court.

admissible evidence: Evidence that can legally and properly be used in court.

admission: Saying that certain facts are true. But not saying you are guilty. (Compare with [confession](#).)

admonish: To warn, advise, or scold.

admonition to jury: What the judge says to the jury about:

- (1) what they must do and how they must behave,
- (2) what evidence they can use to make their decision (called "[admissible evidence](#)"), and
- (3) how they can use that evidence to make a decision.

adoption: The way to make the relationship between a parent and child legal when they are not related by blood.

adversary system: The system of trial practice in the United States and some other countries in which each of the opposing (or "adversary") parties has the opportunity to present and establish opposing positions before the court.

adverse witness: A person called to testify for the other side.

affidavit: A written statement that someone swears to under oath in front of someone that is legally authorized, like a judge or notary public.

affirm: To make a solemn (serious) statement.

affirmation: When an [appellate court](#) says that the lower court's decision was right.

affirmative defense: When a defendant or person responding to a civil case has a reason that would make him or her "not guilty" or not at fault and gives the court new evidence to prove that. The defense has to prove what it says (called "[burden of proof](#)"). The defense has to explain this defense in their [answer](#).

agent: Someone that has authority to act for another.

Aid to Families With Dependent Children (AFDC): A past government program that used to give money (also called "public assistance") to families with children. This was replaced by Temporary Aid for Needy Families (TANF).

alibi: A defense claim that the accused was somewhere else at the time a crime was committed.

alimony: Money the court orders you to pay to a spouse or ex-spouse. (See [spousal support](#).)

allegation: A statement or claim that is made and hasn't been proved to be true or false.

allege: To say, declare, or charge that something is true even though it isn't proved yet.

alternative dispute resolution (ADR): Methods of resolving disputes without official court proceedings. These methods include [mediation](#) and [arbitration](#).

amend: To add to or change a claim that has been filed in court.

amicus curiae: Someone that gives advice to the court about the law in a case, but isn't part of the case. Comes from the Latin for "friend of the court."

annulment ("nullity of marriage"): A legal action that says your marriage was never legally valid because of unsound mind, incest, bigamy, being too young to consent, fraud, force, or physical incapacity.

anonymous: When someone's name is kept secret.

answer: A statement that a defendant writes to answer a civil complaint and say what defense they will use.

appeal: When someone that loses at least part of a case asks a higher court (called an "[appellate court](#)") to review the decision and say if it was right. This is called "to appeal" or "to take an appeal." The person that appeals is called the "[appellant](#)." The other person is called the "[appellee](#)."

appearance: Going to court. Or a legal paper that says you will participate in the court process.

appellant: Someone that [appeals](#) a court's decision. (Compare with [appellee](#).)

appellate: Having to do with appeals. An [appellate court](#) can review a lower court's (called a "[trial court](#)" or "[superior court](#)") decision. For example, California Courts of Appeal review the decisions of the superior courts.

appellate court: A court that can review how the law was used to decide a case in a lower court.

appellee: A person that answers an appeal in higher court.

arbitration: When a person that isn't involved in the case looks at the evidence, hears the arguments, and makes a decision. (Compare with [mediation](#) and [neutral evaluation](#).)

arraignment: When a person that is accused of committing a crime is:

- taken to court,
- told about the charges, and
- asked to plead "guilty" or "not guilty."

arrearage: Child support that is overdue or unpaid. A parent that has arrearages is "in arrears."

arrest: The legal capture of a person that is charged with a crime.

ascertained: Proved to be true.

assault: When someone tries or threatens to hurt you. Can include violence, but is not battery. (See [battery](#).)

assignee: A person or business that is put in the place of the original [creditor](#), such as a collection agency. You can assign your [judgment](#) to another person or business.

assignment: Choosing someone to do something. Usually used in:

- (1) Cases — when the court uses a calendar to give (or "assign") cases to judges;
- (2) Lawyers — when lawyers are chosen (or "appointed") to represent juveniles, [conservatees](#), or poor defendants; and
- (3) Judges — when judges are sent (or "assigned") to different courts to fill in while other judges are on vacation, sick, etc., or to help with cases in a court.

assignment of support rights: When a person that gets [public assistance](#) (money from the government) agrees to give the state any child support they get in the future. The person gets money and other benefits from the state. So the state can use part of the child support to pay for the cost of that public assistance.

assignment order: A court order (made after a [motion](#)) that says a [judgment debtor](#) must assign certain rights to the [judgment creditor](#). Useful for payments that the judgment debtor would usually get, like rent from tenants, wages from the federal government, sales commissions, royalties, a business's accounts receivable, or installment payments on IOUs (also called "[promissory notes](#)") or judgments.

at-issue memorandum: A legal paper filed in a civil case that says the case is ready to go to trial. (See [memorandum to set](#).)

attachment: (1) Document attached to court papers to give more information; (2) A way to collect a judgment: by getting a court order that says you can take a piece of property.

attorney: Someone that is qualified to represent clients in court and to give them legal advice. (See [counsel](#) and [lawyer](#).)

attorney of record: The lawyer whose name is listed in a case record as representing someone in the case.

audit: When records or accounts are looked at to check that they are right and complete.

automated administrative enforcement of interstate (AEI) cases: Part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) that lets states find, put a lien on, and take property from people in a different state that owe money.

automated voice response (AVR) system: Phone system that gives information to people over the phone.

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B

backlog: All the cases that haven't been settled or decided in the time the law says they should be.

bail: A security deposit (usually money) given to release a defendant or witness from custody and to make sure that they go to court when they're supposed to.

bail bond: A legal paper that you buy from a bondsman and give to the court instead of bail. The defendant signs it and is let go. But if they don't come to court when they're supposed to, they must pay the amount of money on the bail bond.

bail exoneration: When you get your bail back. Or when a bail bondsman or insurance ("surety") company isn't responsible for your bail anymore.

bail forfeiture: A court order to let the court keep the bail deposit because the defendant didn't go to court when they were supposed to.

bail notice: A legal paper from the court that says the court will make a [warrant](#) for arrest unless the defendant goes to court or pays bail.

bail receipt: A written statement that the court gives a defendant that says bail was paid.

bail schedule: A list of the amount of bail that is recommended for different charges. In criminal cases, the court decides how much bail a defendant has to pay to be released.

bailiff: A person that is in charge of security in the court. Bailiffs are picked by sheriffs or [marshals](#).

bank levy: Way to enforce a decision against someone that owes money. The money is taken from their checking or savings account at a bank, savings and loan, thrift institution, or credit union.

bankruptcy: The legal way for a business or person to get help when they can't pay the money they owe. In bankruptcy court, they can get rid of debts by paying part of what they owe. There are special bankruptcy judges at these hearings.

bar: All of the lawyers qualified to practice law. For example, a state bar includes all of the lawyers qualified to practice law in that state.

battery: Illegal beating or physical violence or control of a person without their permission. (Compare with [assault](#).)

behavior intervention plan: Plan made by a [local educational agency \(LEA\)](#), as part of the [individualized education program \(IEP\)](#), to change the behavior of students that hurt themselves, assault others, or are destructive.

bench: (1) The desk where a judge sits in court;

(2) Judges in general or a specific judge.

bench trial: Trial without a jury. The judge decides the case.

bench warrant: An order given by the judge (or "bench") to arrest a person. (See [warrant](#), [writ](#).)

Best interest of the child: the standard that courts use to decide who will take care of the child. Some of the factors courts look at are: the age of the child, the health of the child, the emotional ties between the parents and the child, the ability of the parents to care for the child, and the child's ties to school, home, and the community.

bind: To make yourself or someone else legally responsible for something.

bind over: A judge's decision before a trial that says there is enough evidence for a trial.

blocked account: An account with a financial institution in which money or securities are placed. No person may withdraw funds from a blocked account without the court's permission.

blood test: Testing someone's blood sample to:

(1) see how much of a certain chemical is in the blood, or

(2) see who is the parent of a child. (See [genetic testing](#).)

bona fide: Sincere, real, without fraud or deceit. Comes from the Latin for "in good faith."

bond: A deed or legal paper that restrains a person or makes a person responsible for something. In court, a bond is a written statement that makes one person obligated to pay another person money, in certain circumstances.

book (booking): What the police do when they arrest someone. Includes taking fingerprints, photographs, and writing down personal information about the person.

breath test: Testing someone's breath to see how much alcohol is in their blood.

brief: A written statement that each side gives the court to say why the court should decide that they are right.

burden of proof: When one person in the case has the responsibility to give more [evidence](#) than the other person.

burglary: When someone unlawfully breaks into or enters a building or home, and they intend to or do commit a theft or other serious crime.

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C

calendar: A list, in alphabetical order, of all the cases in each courtroom every day. "To calendar" something means to give a day, time, and courtroom to a case.

California Department of Fair Employment and Housing: The state agency that investigates complaints of unlawful discrimination in housing and employment.

California Rules of Court: The rules for practices and procedures in California's state courts.

CALJIC: California Jury Instructions, Criminal.

capital case: A criminal case where the defendant can get the death penalty.

capital offense: A crime that you can get the death penalty for committing.

caption: What is written at the top of all papers (called "pleadings") given to the court. It says things like the case name, court, and case number.

C.A.S.A.: Stands for Court-Appointed Special Advocates. These are trained court-appointed volunteers that advocate on behalf of abused and neglected children involved with dependency court.

case: A lawsuit. Or a complaint filed in criminal, traffic, or civil court.

case file: The folder that has the official court papers for a case.

caseflow management: How a case is managed from the first paper filed to the final decision.

case ID: Identification number given to a case by the court.

case law: Law made by earlier decisions in similar cases.

caseload: The number of cases a judge has in a specific time.

case number: Identification number that the court clerk's office gives a case. This number is on all papers filed in the case. Also called "case ID."

cause of action: The charges (or "[counts](#)") that make up the case or lawsuit.

caveat emptor: A theory that says you buy things at your own risk. Comes from the Latin for "let the buyer beware."

certification: A judge's order to move a criminal case to another court in a different county.

certified copy: An official copy of a paper from a case file that is marked as being true, complete, and a real copy of the original paper.

challenge: Someone's right to object to or fight something in a legal case.

challenge for cause: Reasons that a lawyer gives for removing a juror or judge from a case. (Compare with [peremptory challenge](#).)

chambers: A judge's office. Also usually where the judge's clerks work.

change of venue: When a civil or criminal case is moved from one court jurisdiction to another. (See [venue](#).)

charge: In criminal law, each thing the defendant is accused of. (See [count](#).)

chattel: A piece of personal property.

Child abuse: Hurting a child physically, sexually or emotionally.

Child advocate: Someone with special training appointed by the court to help a child in a case.

Child custody: The rights and responsibilities between parents for their child(ren). A [parenting plan](#) must describe the [legal custody](#) and [physical custody](#) that is in the [best interest of the children](#). This term is also often used to describe who the children live with.

Child custody evaluation: An investigation and analysis by an expert of the health, safety, welfare, and best interests of children. It is ordered by a court to help resolve custody and visitation disputes.

Child custody mediation: See [custody mediation](#).

Child maltreatment: Child abuse and/or neglect.

Child neglect: Not taking good care of a child. Neglect can be physical or emotional.

Child Protective Services (CPS): State agency that responds to reports of child abuse and neglect. If the agency's investigations show there is abuse or neglect, they open a child protection case. Then, a case worker makes a plan to help the family.

child support: Money paid by a parent to help support a child or children.

child support enforcement (CSE) agency: Agency that exists in every state to find parents that don't have custody (called "noncustodial parents," or "NCPs"). Or to find the person assumed to be the father of a child (called a "putative father," or "PF"). Makes, enforces, and changes child support. Collects and gives out child support money. Also known as an "IV-D agency." (See [IV-D](#).)

circumstantial evidence: All evidence that is indirect. Testimony not based on actual personal knowledge or observation of the facts in dispute.

citation: A court order or [summons](#) that tells a defendant what the charges are. Also tells the defendant to go to court and/or post bail.

cited: When a defendant is not in custody but has signed a ticket promising to go to court on a certain day; can be used for any [infraction](#), city or county ordinance, or [misdemeanor](#).

citing authority or agency: An agency related to the court, like the city police or the California Highway Patrol, that can arrest people for breaking the law.

civil case: A lawsuit to get property back, to force someone to complete a contract, or to protect someone's civil rights.

civil jurisdiction: A court's right or power to hear noncriminal ("civil") cases.

civil process: Court papers that tell the people in a civil case that it has started. Or papers that try to force the court to reach a judgment.

claim of exemption: A court paper filed by the [judgment debtor](#) that lists each piece of property that the judgment debtor claims is an [exempt asset](#) under certain provisions of the law and, therefore, can't be taken to pay the [judgment](#).

claim of right to possession: A form that the occupants of a rental unit can fill out to temporarily stop their eviction by the sheriff after the landlord has won an unlawful detainer (eviction) lawsuit. The occupants can use this form only if:

- the landlord did not serve a Prejudgment Claim of Right to Possession form with the summons and complaint;
- the occupants were not named in the writ of possession; and
- the occupants have lived in the rental unit since before the unlawful detainer lawsuit was filed.

claim splitting: When you split up a civil claim and file 2 lawsuits to stay below the limit of how much money you can ask for. Not allowed in most cases.

clerk of court: A person chosen by the judges to help manage cases, keep court records, deal with financial matters, and give other administrative support.

codes: The law created by statutes. For example, the California Code of Civil Procedure, California Civil Code, California Vehicle Code, California Penal Code, and California Health and Safety Code.

codicil: A legal paper that adds to or changes a will.

Collaborative Law: A way to solve conflicts without going to court. Both sides have a lawyer, but they agree not to go to court unless it is impossible to settle the case.

commissioner: A person chosen by the court and given the power to hear and make decisions in certain kinds of legal matters.

commit: To do something. "To commit" a crime. To put someone in a sheriff's custody. To use a court order to send a person to jail.

commitment order: A court order that says a person must be kept in custody, usually in a jail or mental institution.

common barratry (also called "barretry"): Making a habit of starting fights or lawsuits. Starting lawsuits without a good reason.

common law: Laws that come from court decisions and not from statutes ("codes") or constitutions.

community obligations: Community obligations are the debts that a husband and wife or registered domestic partners OWE TOGETHER. In most cases that includes anything that you still owe on any debts either of you took on during the time you were living together as husband and wife or as registered domestic partners. (If you bought furniture on credit while you were married or in a registered domestic partnership and living together, the unpaid balance is a part of your community obligations.)

community property: Community property is everything that a husband and wife or registered domestic partners OWN TOGETHER. In most cases that includes:

(1) Money or benefits like pensions and stock options that you now have which either of you earned during the time you were living together as husband and wife or as registered domestic partners; and

(2) Anything either of you bought with money earned during that period.

compensatory damages: Money that one person must pay another to cover the cost of a wrong or injury. (See [damages](#).)

competence order: An order from a superior court that says a defendant is mentally able to go to trial. Tells the trial court to go ahead with the criminal case.

complainant: Person that wants to start a court case against another person. In a civil case, the complainant is the [plaintiff](#). In a criminal case, the complainant is the state.

complaint: In civil cases, a written statement filed by the plaintiff that starts a case. Says what the plaintiff thinks the defendant did and asks the court for help. Also called the "initial [pleading](#)" or "[petition](#)." A complaint is also used to start a criminal case.

compulsory: Required by legal process or by law.

concurrent sentences: Sentences you can serve at the same time. For example, if you have concurrent sentences of 10 years and 5 years, you must serve a total of 10 years. (Compare with [consecutive sentences](#).)

confession: When someone admits, out loud or in writing, that they committed a certain crime. (Compare with [admission](#).)

confidential record: Information in a court case that is not available to the public. (See [public record](#), [sealed record](#).)

conform copies: To get or file copies of an original document.

consecutive sentences: Sentences that you serve one after the other. For example, if you have consecutive sentences of 10 years and 5 years, you must serve a total of 15 years. (Compare with [concurrent sentences](#).)

conservatee: Someone that can't take care of themselves and has a caretaker (called the "conservator") that the court picked.

conservator: Someone picked by the court to either take care of someone that can't take care of themselves (called a "conservatee") or take care of the property of the [conservatee](#), or both.

conservator of the estate: A person or business picked by a judge to handle the financial matters of a person when the judge decides that the person (called the "[conservatee](#)") can't do it.

conservator of the person: A person or business picked by a judge to care for and protect a person when the judge decides that the person (called the "[conservatee](#)") can't do it.

conservatorship: A court proceeding where a judge appoints a caretaker for an adult that is unable to care for him or herself.

consolidation of actions: When at least 2 cases that involve the same people are grouped together. (Compare with [coordination of cases](#).)

Constitution: The central law of our country that sets up the creation, character, and organization of its power and how that power is exercised. The rules and principles, descriptions of the government's power, and the main rights that the people of a country or state have.

Consumer Credit Protection Act (CCPA): Federal law that limits how much money can be taken from someone's paycheck to pay for child support. States can set their own limits as long as these limits are not higher than the federal ones.

contempt: When doing something or not doing (or saying) something prevents justice from being had or hurts the honor, respect, or authority of the court. This includes ignoring or disobeying a court order on purpose. Punishment can be a fine or jail.

contested: A kind of case where both sides present evidence.

continuance: Putting off a court case to a later date. (See [adjournment](#); compare with [recess](#).)

continued: Postponed, or put off to a later date.

continuing exclusive jurisdiction: Theory that only one support order should be valid between the same people at a time. And when a court hears a child support case, it can add to and change that order. The **court of continuing exclusive jurisdiction (CCEJ)** has control over a support case until another court takes it away. This is defined in the Uniform Interstate Family Support Act (UIFSA). (See [Uniform Interstate Family Support Act](#).)

contract: (1) An agreement between 2 or more people to do or not to do a particular thing;

(2) an agreement between 2 or more people that makes, changes, or ends a legal relationship.

convey: To give the title to property to someone else. Or to make known or communicate.

conviction: When a judge or jury finds a criminal defendant guilty.

coordination of cases: When cases sharing common questions of fact or law [pending](#) in different counties are brought together before 1 judge so that the decisions will be consistent. The cases do not have to involve the same parties. (Compare with [consolidation of actions](#).)

coram nobis: A legal paper that is used to tell the court about mistakes in the facts of the case. It is used to try to cancel the judgment. Comes from the Latin for "before us, in our presence."

costs: (1) Fees and charges that a party pays to file and present a court case or to enforce a judgment;

(2) money won in a civil suit to pay for expenses.

counsel: One or more lawyers that represent a client. Also, legal advice. (See [attorney](#), [lawyer](#).)

count: Each separate charge (or statement) in an action. (See [charge](#).)

counterclaim: An independent charge by 1 side in a case (either the plaintiff or defendant) that goes against the claim made by the other side. (Compare with [cross-complaint](#).)

court: A judge or group of judges whose job is to hear cases and carry out justice. (See [bench](#).)

court investigator (guardianship of the person): Someone employed by the court to investigate a guardianship case where the person who wants to be the guardian is a relative of the child. The court investigator writes a report with recommendations to the judge and any other relevant information.

court order: A legal decision made by a court that commands or directs that something be done or not done. Can be made by a judge, [commissioner](#), court [referee](#), or [magistrate](#).

court reporter: Someone that writes down, word for word, what is said in court. They generally use a stenographic machine, shorthand, or a recording device. You can ask for a copy of this record.

court stamp: An raised seal press or stamp that prints or stamps a seal on court papers. It might say the name of the judicial district or the consolidated city and county. You can read the stamp in photocopies.

court trial: A trial without a jury. A judge decides the case.

courtesy notice: A notice made by a computer that is usually sent for traffic violations to tell a defendant about a court date, bail, etc.

creditor: A person or business that is owed a debt (usually money). (See [judgment creditor](#).)

crime: Something you do, or don't do, that breaks a law that says you can't do it or must do it. If you are found guilty, you can be punished by 1 or more of the following:

- (1) death;
- (2) jail or prison;
- (3) fine;
- (4) being removed from office;
- (5) being unable to hold any office of honor, trust, or profit. (See [public offense](#).)

criminal: Someone that has been [convicted](#) of a [felony](#) or a [misdemeanor](#).

criminal case: A court case that starts because of a crime.

cross-complaint/cross-claim: A claim filed by codefendant(s) or coplaintiff(s) against each other. (Compare with [counterclaim](#).)

cross-defendant: The defendant in a [cross-claim](#).

cross-examination: The [testimony](#) a witness gives when the other side's lawyer is asking the questions at a trial, hearing, or deposition.

custodial parent: The parent that has primary care, custody, and control of the child(ren).

custody:

- (1) the care and control of children. See [child custody](#).
- (2) when the court imprisons a person after they are found guilty of a crime;
- (3) when someone is under the physical control of the court to make sure they go to court when they're supposed to.

custody list: A list that the county jail makes every day to tell the court the names of the people in custody that have hearings that day. Also called a "transportation list."

Custody mediation: A meeting with a trained, neutral third party who helps the parents try to agree on a [parenting plan](#) for their children. [Click here](#) for more information on custody mediation.

custody order: A court order that says who a child will live with and who should make decisions about health care, education, and other important things.

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D

damages: Money that the losing side must pay to the winning side to make up for losses or injuries. There are 2 kinds of damages: (1) "compensatory," meaning money to pay for the actual cost of an injury or loss; and (2) "punitive" or "exemplary," meaning an amount of money that's more than the actual damages. This is a punishment for willful or malicious acts.

debtor: A person or business that owes a debt (usually money). (See [judgment debtor](#).)

debtor's examination: A court procedure that a judgment creditor may use to make a judgment debtor provide the information about his or her income and assets needed to collect the judgment. (Often called an "OEX", which is short for an "Order of Examination".)

decedent: In criminal law, it means a murder victim; in probate law, it means a dead person.

decision: A court's judgment or decree that settles a dispute. (See also [decree](#), [judgment](#).)

declaration: A sworn, written statement that is used as evidence in court. The statement supports or establishes a fact. The person that makes the declaration certifies or declares under penalty of [perjury](#) that the statement is true and correct. The person that makes the declaration is called the "declarant." The declarant must sign and date the declaration. The declaration must also say where the declaration was signed or that it was made under the laws of the State of California.

decree: A court decision. It can be (1) "interlocutory," which means it is not a final decision, or (2) "final," which means all issues of the case are settled.

deem: To consider or have an opinion. For example, to deem it necessary to do something.

defamation: When 1 person hurts another person's character, fame, or reputation by making false and malicious statements that are not protected by law.

default: When a defendant in a civil case does not file an answer or other response with the court or go to court when they are supposed to, after being properly notified. This is called being "in default."

default judgment: A court decision in favor of the plaintiff when the defendant doesn't [answer](#) or go to court when they're supposed to.

defendant: In a civil case, the person or organization sued by the [plaintiff](#). In a criminal case, the person accused of the crime.

defense: In a civil case, the facts or arguments presented by the defendant to show why the plaintiff doesn't have a right to the relief asked for. In a criminal case, the reasons why a defendant should not be convicted of the charge(s).

defense attorney: In a criminal case, the lawyer that represents the accused person (called the "defendant").

deferred fine: When payment of a fine is put off until a later date, sometimes called a "fine stay."

delay reduction: Court management of cases to reduce long periods of time in which nothing happens in a case.

delete: To omit, leave out, or remove.

deliberate: To consider all the evidence and arguments related to a case that were presented in court.

deliberations: When a jury, for either a civil or criminal case, goes into the jury room to discuss the evidence and testimony and reach a [verdict](#).

delinquent: A child, under 18, that has done something that would be a crime if he or she were 18 or older.

demurrer: When a defendant says the facts presented by a plaintiff, even if true, are not enough to establish or prove the defendant's legal responsibility.

de novo: Starting a case all over again as if it had not been heard before. In Latin, *novo* means "new."

dependent: In family law, this usually means a child that is financially supported by another person. In juvenile law, this means a minor that is in the custody of the court because he or she was abused, neglected, or molested or is physically dangerous to the public because of a mental or physical disorder.

deposition: Written or oral testimony given under oath in front of an authorized third person like a court reporter. Depositions take place outside of court. They allow the parties to get a record of a person's testimony, or to get testimony from a witness that lives far away. They can help the lawyers prepare their court papers called "[pleadings](#)." (See also [discovery](#).)

detention: When a person is temporarily locked up until the court makes a final decision.

determination: A judgment or decision the court makes to end a lawsuit or controversy.

deuce: A slang term used for driving under the influence of drugs or alcohol.

dictum: A part of a written court case [opinion](#) that is related to the case, but not needed to decide it. Can't be used as [precedent](#) in future cases.

direct examination: When a witness testifies and answers questions posed by the party that asked them to testify. (Compare [cross-examination](#).)

direct income withholding: A procedure that orders an employer in another state to withhold support from an employee's paycheck without having to go through the [IV-D](#) agency or court system in that state. With this order, withholding can start right away, unless the obligor doesn't agree, and no court pleadings are required. (See also [income withholding](#), [wage withholding](#), [obligee](#), [obligor](#).)

disbursement: The court's distribution of money that it receives through fines or bail to the people that, according to the law, should get the money.

discovery: The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, such as through [depositions](#), [interrogatories](#), or [requests for admissions](#). It can also be done through independent investigation or by talking with the other side's lawyer.

discrimination (in renting): Denying a person housing, telling a person that housing is not available (when the housing is actually available at that time), providing housing under inferior terms, harassing a person in connection with housing accommodations, or providing segregated housing because of a person's race, color, religion, sex, sexual orientation, national origin, ancestry, source of income, age, disability, whether the person is married, or whether there are children under the age of 18 in the person's household. Discrimination also can be refusal to make reasonable accommodations for a person with a disability.

dismiss with prejudice: When a court dismisses a case and will not allow any other suit to be filed on the same claim in the future.

dismiss without prejudice: When a court dismisses a case but will allow other suits to be filed on the same claim.

disposable income: What's left of an employee's income after making legally required deductions, like taxes. Disposable income is used to decide how much of the employee's pay will be taken for a [garnishment](#), [attachment](#), or [earnings assignment](#).

disposition: The final decision by the court in a dispute.

disqualification: When a judge decides (usually voluntarily) not to hear a case. In most cases, this decision has to do with an outside interest of the judge's that may influence his or her ability to decide the case in a fair and impartial way.

dissolution: A marriage that is ended by a judge's decision, also known as a "divorce." (Compare [nullity](#).)

diversion: Instead of going to jail, a defendant goes to a rehabilitation ("rehab") program and is supervised by a probation officer. When the defendant finishes the program, the charges are dismissed and the defendant is not sentenced. (Compare [electronic surveillance](#), [home detention](#).)

divorce: A common name for a marriage that is legally ended.

docket: A record with the complete history of each case a court hears. It contains short chronological summaries of the court proceedings.

due process: The regular way that the law is administered through the courts. The U.S. Constitution says that everyone has to have a day in court, has the right to be represented by a lawyer, and the right to benefit from court procedures that are speedy, fair, and impartial.

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E

earnings assignment: A way for an employee to transfer (or "assign") portions of his or her future paychecks to pay a debt, like child support.

earnings withholding order: Court order delivered ("served") by a [levying officer](#) or registered process server that directs a [judgment debtor's](#) employer to withhold the earnings of the judgment debtor for the purpose of [wage garnishment](#).

electronic funds transfer (EFT): Electronic movement of funds from 1 bank account to another.

electronic surveillance: Use of an electronic device to keep an eye on where a sentenced person is in the community and to restrict his or her activities, instead of putting the person in jail. (See also [home detention](#).)

emancipation: A legal way for children to become adults before they're 18. Once a child is emancipated, his or her parents don't have custody or control of him or her anymore. Learn [more about emancipation](#).

eminent domain: The right of the state to take private property for public use after giving fair compensation to the owner.

employer's return: Form returned to a [levying officer](#) by an employer that states whether the [judgment debtor](#) still works there and when the debtor is paid, and corrects any wrong information about the debtor or employer for the purpose of [wage garnishment](#).

en banc: Court sessions where all the judges of a court participate, instead of the usual number. For example, the U.S. circuit courts of appeals usually use panels of 3 judges, but all the judges in the court may decide certain matters together. When that happens, they are sitting "en banc" (sometimes spelled "in banc"). It comes from French and means "on the bench."

endorse: To sign your name on a document to authorize its contents or transfer (as in a check that is endorsed to transfer money).

endorsed-filed copies: Copies of court papers that are stamped in the top right corner to show when they were filed. Compare with [certified copy](#).

enforce: To take legal steps to make sure someone complies with a [judgment](#).

enjoin: To order or require; to order that something be stopped.

equitable: (1) Describes civil suits in "equity" instead of in "law." In the legal history of England, courts of "law" could order only the payment of damages. But courts of "equity" could order someone to do something or to stop doing something. (See also [injunction](#).) In American law, courts have power both in law **and** in equity. But usually, there can be trial by jury in "law" cases but not in "equity" cases. (2) To deal fairly and equally with all concerned. This implies not only a fair or just decision based on the law, but also a judgment guided by common-sense ideas of fairness and justice.

equity: A system of law that supplements the statutory and case law and is based on principles of what is "fair and right."

establish: A process to prove paternity (fatherhood) and/or to get a court or administrative order for child support.

estoppel: An act or statement that prevents a person from later making claims to the contrary.

et al.: In Latin, this means "and others." Refers to parties not included in the formal name of a court case.

et ux.: In Latin, this means "and wife."

eviction: A court-administered proceeding for removing a tenant from a rental unit because the tenant has violated the rental agreement or did not comply with a notice ending the tenancy (also called an "unlawful detainer" lawsuit).

eviction notice: A notice that the landlord serves on the tenant asking the tenant to move out and explaining why. Some notices give the tenant the chance to fix the problem, like pay back rent or stop doing something prohibited in the lease. There are many types of notices. [Click here](#) for more information on eviction notices.

evidence: Any proof legally presented at trial through witnesses, records, and/or exhibits.

execute: (1) To carry out all terms of a contract or court order; (2) to sign (a document); (3) to kill.

executor: A person named in a will to carry out the will's instructions and requests. The executor is usually supervised by the probate court. Among other things, the executor takes care of the estate, pays the debts and estate taxes of the person that died, and distributes that person's money and other property by following the instructions in the will.

execution of judgment: Legal process of enforcing a judgment, usually by seizing and/or selling property of the [judgment debtor](#).

exempt assets: Property of a [judgment debtor](#) that is legally protected from being taken to pay the judgment.

exhibit: A document or an object shown and identified in court as evidence in a case. Normally, the court assigns an identifying letter or number in alphabetical or numerical order before exhibits are offered as evidence.

exonerate: To clear of blame or to relieve from responsibility.

exonerate bail: When the court returns money or property to the defendant or bondsman. (See also [bail exoneration](#).)

ex parte: These Latin words mean "from 1 side only." An example is a [motion](#) that is made without giving notice to the other side. In many courts, even ex parte motions require 24-hour notice to the other side except under unusual circumstances.

expulsion: To force a student to leave school.

expunge: To strike out or erase.

extradition: Bringing a person that is in custody in 1 state to the authorities of another state where that person has been accused or convicted of a crime.

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F

Facilitator: See [Family Law Facilitator](#).

fair housing organizations: Government organizations that help renters solve housing discrimination problems.

Family Court Services: Part of the family court that helps parents with child custody and visitation issues. It provides services like [custody mediation](#) or [child custody evaluations](#). To find the Family Court Services department in your court, [find your court](#).

family law court: A court that hears family matters, like divorce ("dissolution"), legal separation of spouses, annulment of marriage or domestic partnerships, child custody and support, and domestic violence petitions.

Family Law Facilitator: A lawyer with experience in family law who works for the superior court in every California county to help parents and children involved in family law cases with child, spousal, and partner support problems. Anyone who does not have their own lawyer can see the family law facilitator for free. [Click here](#) for more information on the Family Law Facilitator.

Family Court Orientation: A class that prepares parents for court-ordered mediation. A counselor talks to parents about how their relationship affects their children, and tells them what they need to know about custody and visitation.

family violence indicator (FVI): The Federal Case Registry (FCR) uses this term to identify a person involved in a family violence case or order in another state. "FVI" means the person was involved with child abuse or domestic violence and says not to tell the location of a parent and/or a child that the state believes is at risk of family violence.

FAPE: Stands for a "free, appropriate public education." Used to describe [special education](#) rights.

Federal Case Registry (FCR) of Child Support: A national database of information on all people with [IV-D](#) (called "4 D") cases and people with non-IV-D orders entered or changed on or after October 1, 1998.

federal employer identification number (FEIN): A 9-digit number assigned to all employers by the Internal Revenue Service (IRS). This is used for collecting child support from a parent's paycheck.

Federal Parent Locator Service (FPLS): A computerized national network and database run by the federal Office of Child

Support Enforcement (OCSE) of the Administration for Children and Families (ACF). FPLS collects address and employer information, and data on child support cases in every state; compares them; and gives this information to the proper authorities in the states involved. This helps state and local child support enforcement agencies locate alleged fathers and parents that do not have custody of their children. The information is used to establish custody and visitation rights, establish and enforce child support payments, investigate parental kidnapping, and process adoption or foster care cases.

federal question jurisdiction: Authority given to federal courts to hear a case if it involves the interpretation or application of federal law, like the U.S. Constitution, acts of Congress, and treaties.

Federal Tax Refund Offset Program: A federal program that collects overdue child support payments from parents. The program can take a parent's federal income tax refunds or federal retirement benefits.

fee: A specific amount of money that's paid in exchange for a service, such as filing a court paper.

fee waiver: Permission not to pay the court's filing fees. People with very low income can ask the court clerk for a fee waiver form. [Click here for more information on fee waivers and court fees.](#)

felony: A serious crime that can be punished by more than 1 year in prison or by death (Compare [infraction](#), [misdemeanor](#).)

fiduciary: A person that acts for another person's benefit, like a trustee. It can also be an adjective and mean something that is based on a trust or confidence. (See also [trustee](#).)

file: When a person officially gives a paper to a court clerk and that paper becomes part of the record of a case.

file-stamped: See [endorsed-filed copies](#).

filing a form: A court form is "filed" only when the court clerk stamps it "Filed." You can give your court forms to the clerk by mail or in person.

filing fees: Money you pay the court clerk to accept (or "file") a complaint or petition, which starts a civil case, or other court papers, like motions and answers.

finding: When a judicial officer or jury says something is a fact.

fine: The money a person must pay as punishment for doing something illegal or for not doing something they were supposed to do.

fix-it ticket: A common name for a traffic ticket given for a malfunction on a vehicle, like a broken taillight. After fixing the problem, the vehicle owner has to get a police officer to sign the ticket to show the problem is taken care of.

foreperson: When the jury first meets to decide a case, they vote to pick 1 member of the jury as their foreperson. The foreperson is in charge of making sure that discussions take place in an orderly way, that the case and issues are fully and freely discussed, and that every juror has a chance to participate in the discussion. When the jury finishes deciding the case, the foreperson counts the votes and completes and signs the verdict form.

forfeiture: When a person must give up money or property because they didn't meet a legal obligation. (See also [bail forfeiture](#).)

foster care: A program that gives money to a person, family, or institution to raise someone else's child. (See also [IV-E](#) and [IV-E case](#).)

fraud: Deceiving someone on purpose in a way that financially hurts others.

fugitive: A person suspected of doing something wrong that runs away or tries to escape the law.

full faith and credit: This means a state must honor an order or judgment of another state's court.

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G

garnishment: A legal process that allows part of a person's wages and/or assets to be withheld for payment of a debt. Wage or income garnishment is usually involuntary. (See also [direct income withholding](#), [income withholding](#), [wage withholding](#).)

general plan of conservatorship: A conservator's formal plan for taking care of the conservatee's personal and financial needs. This plan must be filed with the court within 90 days after the conservator has been appointed by the court. Both [conservators of the person](#) and [conservators of the estate](#) must prepare and file general plans.

genetic testing: A medical test to determine legal fatherhood (or "paternity"). (See also [blood test](#).)

guest: A person who does not have the same rights as a tenant, for example, someone who stays in a transient hotel for fewer than seven days.

good cause: A good reason. For example, a party must have good cause (better than not having a car or a baby-sitter) for not coming to a court hearing.

grand jury: A group of 16 to 23 citizens that listen to the prosecutor's evidence of criminal allegations and decide whether there is [probable cause](#) to believe a person committed a crime and to charge them with that crime. (See also [indictment](#).)

guarantor: A person that promises to be responsible for the debt of another person if that person fails to pay the debt on time.

guardian ad litem: A court-appointed adult that represents a minor child or legally incompetent person. (See also [ad litem](#).)

guardianship: In California, a court proceeding where a judge appoints someone to care for a person under age 18 or to manage the minor's estate (property), or both. In some states, conservatorship of an adult is called guardianship, but not in California. (Compare with [conservatorship](#).)

guidelines: In family law, a standard method for figuring out child support payments based on the income of the parent(s) and other factors according to state law. The Federal Family Support Act of 1988 says states must use guidelines to calculate support for each family unless there is a written court finding saying the guidelines would be inappropriate for that case.

guilty: A court decision that a defendant committed a crime. Or when a defendant admits he or she committed a crime.

guilty plea: When a person admits in court that he or she is guilty of the crime charged in a criminal complaint, information, or indictment.

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H

habeas corpus: The name of a [writ](#) used to bring a person before a court or judge to decide whether that person is being unlawfully denied his or her freedom. The term comes from Latin.

habitable: A rental unit that is fit for people to live in. A rental unit that follows important building and safety code standards that affect tenants' health and safety is called "habitable." See uninhabitable and [implied warranty of habitability](#).

hearing: A formal court proceeding with the judge and opposing sides present, but no jury.

hearsay: Statements by a witness that did not see or hear the incident in question but heard about it from someone else. Hearsay usually can't be used as evidence in court.

heir(ess): A person that inherits or receives money or property from someone that has died.

held to answer: A judge's decision at the end of a preliminary hearing in a trial court saying there is enough evidence against the defendant to have a trial. (See also [bind over](#).)

holding cell: A cell inside a courthouse where prisoners are held in custody before and after their court appearance.

home detention: When an electronic device is put on a prisoner's body to keep track of where the prisoner goes in the community and what the prisoner does. Used instead of a jail sentence. (See also [electronic surveillance](#).)

homicide: When 1 person kills another directly, or has someone else kill that person, or the person is killed by the omission of another (that is, by their failure to act when the law requires them to act). It is not always a crime. Homicide can be:

(1) excusable - the result of a lawful act when no hurt was intended or from an act of self-defense;

(2) criminal - the result of any wrongful act without any excuse or justification in law; or

(3) justifiable - the result of an intentional but lawful act such as the execution of a death sentence by an agent of the law (can also apply to self-defense). (See also [manslaughter](#), [murder](#).)

honor camp: A rehabilitation ("rehab") program run by the probation department that accepts people that are low risk or that are nonhabitual offenders.

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I

IEP: Stands for "individualized education program." An IEP is designed to meet the exceptional educational needs of public school students that are eligible for [special education](#) services.

illegal parking: Violation of any state or local parking regulation.

immunity: A right to be excepted from duty or penalty. (See also [privilege](#).)

impeachment: (1) The process of calling a witness's testimony into question. For example, if an attorney can show that a witness may have made up parts of his or her testimony, the witness is said to be "impeached." (2) The constitutional process used by the U.S. House of Representatives to "impeach" (or accuse of misconduct) high-ranking officers of the federal government, who are then tried by the Senate.

implied warranty of habitability: A legal rule that requires landlords to keep their rental units fit for people to live in. A rental unit must comply with important building and housing code standards that affect tenants' health and safety.

impound: To seize and hold in the custody of the law; generally used to refer to objects or animals, not people.

inactive case: A pending case that has been filed, but for some reason can't be processed by the court.

in camera: A hearing held in the judge's chambers or in a court with all spectators (including the jury) excluded. From the Latin for "in chamber."

incarcerate: To put in jail.

income: Any form of periodic payment to a person, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation, disability, pension or retirement program payments, and interest.

income withholding: When automatic deductions are made from wages or income to pay a debt like child support. Income withholding is often part of a child support order. It can be voluntary or involuntary. (See also [direct income withholding](#), [wage withholding](#).)

incriminate: To hold yourself or another person responsible for criminal actions.

indemnity: An obligation to provide compensation (usually money) for a loss, injury, or damage.

indictment: The formal charge issued by a grand jury saying there is enough evidence that the defendant committed the crime to justify having a trial. Used primarily for felonies. (See also [information](#).)

indigent: This term usually refers to a person that is poor, needy, and has no one to look to for support.

in forma pauperis: This is a Latin phrase meaning permission given by a court to a person to file a case without paying the required court fees because the person can't afford to pay them.

information: A written accusation charging a person with a crime. It is presented in court by a prosecuting officer under oath and does not come from a grand jury. (See [indictment](#).)

infraction: A minor violation of a law, contract, or right that is not a misdemeanor or a felony and can't be punished by time in prison. (Compare [felony](#), [misdemeanor](#).)

initiating jurisdiction: The state or county court, or administrative agency, that sends a request for action to another jurisdiction in interstate child support cases.

injunction: A court order that says a defendant can't perform, or must perform, a specific act. (Compare [enjoin](#), [restraining](#)

[order.](#))

in limine: Latin for "at the beginning" or "at the threshold," such as a motion in limine at the beginning of trial to ask that certain evidence be excluded.

innocent: Found by a court to be not guilty of criminal charges; acquitted. (See also [acquittal.](#))

in propria persona (in pro per): When a person represents himself or herself without a lawyer. This comes from the Latin for "in one's own proper person." (See also [pro per](#), [pro se.](#))

inquest: A legal inquiry (investigation) in a court or before court officers authorized to hold inquiries, usually to figure out the cause and circumstances of a death.

installment payments: Weekly, monthly, or other periodic payments on a debt.

instructions: The explanation of constitutional rights given by a judge to a defendant.

instructions to jury: Instructions given by a judge to a jury immediately before they decide a case, telling the jury what laws apply to that case. (See also [admonition to jury](#), jury instructions.)

intercept: When nonwage payments (like federal income tax refunds, state income tax refunds, unemployment benefits, and disability benefits) made to a parent that owes support are taken and given to the parent who is owed support.

interpleader: When 2 or more people say they have a claim to the same thing held by a third party. The third party may force them to go to trial with each other to settle their dispute.

interpreter: A person that is certified as being able to translate, orally or in writing, spoken or sign language into the common language of the court.

interrogatories: Written questions sent by 1 side in a lawsuit to an opposing side as part of pretrial discovery in civil cases. The side that receives the interrogatories must answer them in writing under oath. (See also [discovery.](#))

interstate cases: In child support, cases where the dependent child and the parent that owes support live in different states, or where 2 or more states are involved in some case activity, like enforcement.

intestate: To die without making a will or leaving instructions for disposal of your property after death. (See also [testate.](#))

inventory: (1) A detailed list of property; (2) the number of cases in various stages of the court process.

issue: (1) The disputed point between parties in a lawsuit; (2) to send out officially, as when a court issues an order.

IV-A("4-A") case: A child support case where a custodial parent and child(ren) get public assistance benefits under the state's IV-A program, which is funded under title IV-A of the Social Security Act. Applicants for IV-A assistance are automatically referred to their state IV-D agency in order to identify and locate the noncustodial parent, establish paternity and/or a child support order, and/or obtain child support payments. This lets the state get back some or all of its public assistance money from the noncustodial parent. (See also [IV-D](#), [public assistance](#), Temporary Assistance to Needy Families (TANF).)

IV-D ("4-D"): Refers to title IV-D of the Social Security Act, which says that each state must create a program to find noncustodial parents, establish paternity, establish and enforce child support obligations, and collect and distribute support payments. Any person that gets public assistance (usually TANF) is referred to the state IV-D child support program. States must also accept applications from families that do not get public assistance, if requested, to help collect child support.

IV-E ("4-E"): Refers to title IV-E of the Social Security Act, which established a federal-state foster care program that gives financial support to a person, family, or institution that is raising a child or children not their own. (See also [foster care.](#))

IV-E ("4-E") case: A child support case where the state provides benefits or services under title IV-E of the Social Security Act to a person, family, or institution that is raising child(ren) not their own. As with other public assistance cases, the people that get public assistance are referred to their state IV-D program in order to identify and find the noncustodial parent, establish paternity and/or a child support order, and/or obtain child support payments. This allows the state to get back some or all of its public assistance payments from the noncustodial parent. (See also [IV-D.](#))

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J

jeopardy: Risk to a defendant of possible conviction and punishment. In a criminal case, the defendant is usually said to be "in jeopardy" after the preliminary hearing has taken place and the jury has been sworn in.

joinder: Generally, a bringing or joining together. For example, plaintiffs joining in a suit, or a joining of actions or defense.

Joint Custody: A court order that gives both parents legal and physical custody of a child.

Joint Legal Custody: A type of court order that allows either or both parents to make important decisions about a child's health, education, and well being.

Joint Physical Custody: A type of court order in which a child spends about the same amount of time living with both parents.

judge: An official of the judicial branch of government with authority to decide lawsuits brought before courts. The term "judge" may also refer to all judicial officers, including Supreme Court justices.

judgment: (1) The official decision of a court that resolves the dispute between the parties to a lawsuit; (2) the official decision or finding of a judge or administrative agency hearing officer about the respective rights and claims of the parties to an action; also known as a "decree" or "order," and may include "findings of fact and conclusions of law"; (3) the final decision of the judge stating which party has won the case and the terms of the decision. Can be "*n.o.v.*," which means a ruling in favor of 1 party even though there had been a verdict for the other party, or "*summary*," which means a court's decision before a trial saying that no facts are disputed in the case and that 1 party is entitled to judgment as a matter of law. (Compare [disposition](#), [verdict](#).)

judgment creditor: The party (either the [plaintiff](#) or the [defendant](#)) in whose favor a judgment has been awarded.

judgment debtor: The party that the judgment has been entered against.

judgment debtor's statement of assets: In small claims, the form listing the judgment debtor's assets and sources of income that the judgment debtor must complete and send to the [judgment creditor](#) within 30 days after receiving notice of the court's decision.

judicial: Belonging to or appropriate to the office of a judge; relates to the administration of justice.

Judicial Council: The Judicial Council of California is the constitutionally mandated body responsible for improving the administration of justice in the state. The council is made up of judges, court executives, attorneys, and legislators. It was established to standardize court administration, practice, and procedure by adopting and enforcing court rules.

Judicial Council forms: The Judicial Council of California has created many forms (called "Judicial Council forms") to standardize the preparation of court documents. People involved in lawsuits (also called "litigants") **must** use Judicial Council forms that are labeled "mandatory" and **may** use forms that are labeled "optional."

judicial district: The state is divided into judicial districts that define the geographical area of each court's authority.

judicial officer: Judges, referees, and commissioners that make court decisions as a judge.

judicial positions: The judge, referee, and commissioner positions authorized by the state Legislature for a particular court jurisdiction.

jurisdiction: (1) The legal authority of a court to hear and decide a case; (2) the geographic area over which the court has authority to decide cases; (3) the territory, subject matter, or persons over which lawful authority may be exercised by a court.

jurisdictional limit: The maximum amount of money that a court can award. The limit is \$5,000 for most small claims cases, but a claimant can't file more than 2 small claims court actions for more than \$2,500 anywhere in the state during any calendar year.

jurisprudence: The study of law and the structure of the legal system.

juror: A person selected to be on a jury.

jury: A group of citizens picked according to law and authorized to decide a case. Can be: (1) grand, that is, a body of citizens that determines whether [probable cause](#) exists that a crime has been committed and whether an [indictment](#) should be issued; (2) hung, that is, a jury that can't agree on a verdict after a suitable period of [deliberation](#); (3) petit (or "trial"), that is, an ordinary jury for the trial of a criminal or civil action; or (4) special, that is, a jury ordered by the court, on the motion of either side, in cases that are unusually important or complicated. (See also [grand jury](#), [petit jury](#).)

jury commissioner: The local official responsible for giving the court lists of qualified potential jurors.

jury instructions: The guidelines given by the judge at the beginning and end of a trial that explain what the law in the case is and how the jurors should evaluate the evidence. (See also [admonition to jury](#), [instructions to jury](#).)

jury roster: A list of all the potential jurors asked to appear in court for possible service on a jury; the list of jurors picked to decide a case.

just cause: In an unlawful detainer case there is just cause if the tenant has broken the lease or otherwise done something that legally justifies ending the lease.

juvenile: A person younger than the legal age of adulthood, which usually is 18 years but in some cases is 21 years. (See also [minor](#).)

juvenile court: That part of the [superior court](#) that handles [delinquency](#), [status offense](#), and [dependency](#) cases involving [minors](#).

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K

keeper: An officer that the court appoints to be responsible for money or property legally seized in connection with a [pending](#) case.

keeper levy: A judgment enforcement procedure in which the [levying officer](#) takes over the operation of a judgment debtor's business for a limited time to obtain cash and credit card receipts for payment to the judgment creditor. (See also [judgment creditor](#), [judgment debtor](#).)

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L

laches: Excessive lapse of time in enforcing a right that can be enforced by legal action; negligence in failing to act more promptly.

landlord: An owner, also called "lessor," that rents out real property to a tenant, also called "lessee."

lawsuit: (1) A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty, which caused harm to the plaintiff; (2) a legal dispute brought to a court for resolution. (See also [action](#), [case](#).)

lawyer: A person qualified to represent clients in a court of law and to advise them on legal matters. (See also [attorney](#), [counsel](#).)

LEA: Stands for "local educational agency," usually the local school district, responsible for providing [special education](#) services to eligible public school students.

lease: An agreement for renting real property, including residential property, like a house or an apartment. A lease is usually in writing and it covers a specific amount of time, such as 1 year. A rental agreement for a place where you live (apartment or house) can be a written agreement or a verbal agreement between the landlord and the tenant.

legal aid organizations: Organizations that provide free legal advice, representation, and other legal services in noncriminal cases to low-income people.

Legal Custody: A parent's right and responsibility to make decisions about a child's health, education and well being. There are two types of legal custody orders: [joint legal custody](#) and [sole legal custody](#).

legal parent: A person who is recognized by the law as the parent of a child.

legal separation: You and your spouse or domestic partner can end your relationship but still remain legally married or partnered, and get court orders on parenting and money issues, with a judgment of legal separation.

lessee: (See [tenant](#).)

lessor: (See [landlord](#).)

Letters of Conservatorship: A court paper that states that the [conservator](#) is authorized to act on the conservatee's behalf. Also called "Letters."

levy: To obtain money by legal process through seizure and/or sale of property.

levying officer: Sheriff or marshal that is given the power by a writ of execution to [levy](#) on a judgment debtor's property.

libel: False and malicious material that is written or published that is [defamatory](#) and hurts a person's reputation. (Compare [slander](#).)

license hold: The action taken to prevent someone from renewing their driver's license until a legal matter is settled.

lien: A claim on property to prevent the sale or transfer of that property until a debt is paid. The lien may be enforced or collected by levying on the property. (See also [levy](#).)

limited conservatorship: A [conservatorship](#) for developmentally disabled adults.

Limited-scope representation: An arrangement with a lawyer to receive help on some parts of a case for a set fee or limited fees. Also called "unbundled legal services" or "unbundling".

lis pendens: Jurisdiction of a court over property until final decision of a case; from the Latin for "a [pending](#) suit."

litigants: The parties (sides) involved in a lawsuit.

litigate: To conduct or engage in a lawsuit.

litigation: A case, controversy, or lawsuit. The people involved in lawsuits ([plaintiffs](#) and [defendants](#)) are called "litigants."

local child support agency: See [child support enforcement \(CSE\) agency](#).

Local forms: Courts create local forms to standardize the preparation of documents in their court. [Click here to see a sample local form](#) (PDF). Local forms are different from [Judicial Council forms](#). Local forms can usually only be used in the court that adopted the form. Most Judicial Council forms can be used in every Superior Court in California. [Click here to see a sample Judicial Council Form](#) (PDF). Judicial Council forms always have "Judicial Council of California" printed in the bottom left corner of the first page. You can usually get local forms at a court clerk's office or [on a court's web site](#). Look for "forms" or "court forms."

lockout: When a landlord locks a tenant out of the rental unit to end the tenancy. Lockouts, and all other self-help eviction remedies, are illegal.

lodger: A person who lives in a room in a house where the owner lives. The owner can enter all areas occupied by the lodger, and has overall control of the house.

long-arm jurisdiction: Legal provision that lets 1 state claim [personal jurisdiction](#) over someone that lives in another state. There must be some meaningful connection between the person and the state or district that is claiming [jurisdiction](#) in order for the authority of a court or agency to reach beyond its normal jurisdictional border.

LRE: Stands for "least restrictive environment." This means that, whenever possible, [special education](#) students must be placed in regular classrooms with their mainstream, nondisabled peers while still having their special educational needs met.

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M

magistrate: A judicial officer with the power to issue arrest warrants and find [probable cause](#) at [preliminary hearings](#). (Compare with [commissioner](#), [judge](#), [referee](#).)

maim: To cripple or mutilate in any way; to injure a person in a way that deprives him or her of the use of any limb or other part of his or her body; to seriously wound, disfigure, or disable. (See also [mayhem](#).)

malfeasance: Performance of an act that should not have been done at all. (Compare with [misfeasance](#), [nonfeasance](#).)

mandatory: Required, ordered.

manifestation determination: Part of a pre-expulsion assessment in which the individualized education program ([IEP](#)) team figures out if a [special education](#) student's misconduct that otherwise could result in expulsion is, instead, a direct manifestation of that student's identified disability and, therefore, not something for which the student may be expelled from school.

manslaughter: The unlawful, but unintended killing of a person. Can be voluntary, like when someone is killed unlawfully under circumstances that don't include a premeditated intent to kill. Or involuntary, like when someone is killed unintentionally as a result of someone else performing another unlawful act or negligently performing a lawful act. (Compare with [murder](#); see also [homicide](#).)

marital settlement agreement: In a dissolution of marriage, legal separation, or annulment, a stipulated judgment will often include a marital settlement agreement (MSA). A marital settlement agreement is a written contract between you and your spouse that contains detailed legal wording about how the issues in your case will be handled. It is usually used when there are complicated issues of property, debt, support, or custody that need to be set out in the judgment.

marshal: A peace officer that has the power to arrest, to serve legal papers in civil cases and [subpoenas](#) and to act as bailiff in the courtroom.

mayhem: Unlawfully and violently depriving a person of a part of his or her body or disabling, disfiguring, or making it useless (includes injury to eyes, tongue, nose, ears, etc.).

mediation: A process in which a neutral person (or people) helps people who have a dispute to communicate so they can reach an agreement. (Compare [arbitration](#), [neutral evaluation](#).) Click for more information on [custody mediation](#).

medical support: Kind of child support where medical or dental insurance coverage is paid by a parent. Depending on the court order, medical support can be that parent's only financial obligation, or the parent may also have to pay [child support](#) and/or [spousal support](#).

memorandum of costs: see memorandum of credits, accrued interest, and costs after judgment.

memorandum of credits, accrued interest, and costs after judgment: In small claims court, a form used to get back your costs for collecting your [judgment](#).

memorandum to set: A paper filed by 1 or more parties in a court case saying the case is ready for trial. (See also [at-issue memorandum](#).)

minor: A person under the age of 18 years. (See also [juvenile](#).)

minutes: The official (permanent) record of a court proceeding, that tells things like what witnesses appeared, what [motions](#) were made, and what [findings](#) were reached. (See also [transcript](#).)

minute order: The courtroom clerk's written minutes of court proceedings. A minute order is done when a trial judge sits officially, with or without a court reporter, and a clerk keeps minutes of the court session. In this cases, the minute order may be the only record of an oral order made by the judge. Copies of the minute orders are usually kept in the case files and the court clerk's office. The format of minute orders can vary from court to court. Generally, they include the name of the court, the name of the judge and the court clerk, the case number and names of the parties in the case, the date of the order, the nature of the proceedings, and the court's ruling. The length of a minute order can be a single page or it can be several pages long.

Miranda warning: Refers to a U.S. Supreme Court decision that says when a person is arrested or questioned by police, he or she must first be told about certain rights against self-incrimination (saying something that makes it sound like you are guilty).

misdemeanor: A crime that can be punished by up to 1 year in jail. (See also [felony](#).)

misfeasance: Improper performance of an act that may have been lawfully done. (Compare [malfeasance](#), [nonfeasance](#).)

mistrial: A trial that has been ended and declared void (of no legal effect) due to prejudicial error in the proceedings or other extraordinary circumstances.

modification: A change or alteration, like modification of a sentence (where the terms of punishment for a defendant are changed) or of a probation order (where a new probation order is issued changing the terms of the original order).

money judgment: A specific amount of money awarded by the court to a person as payment for damages (losses or injuries) suffered.

moot: A point or question related to a legal case that usually has no practical importance or relevance to the case. A moot

point is a point that can't be resolved by the judge, is not disputed by either side, or is resolved out of court.

motion: An oral or written request that a party makes to the court for a ruling or an order on a particular point. A "motion to reduce bail" asks the court to lower the amount of bail needed to release the defendant from custody and guarantee that he or she will appear in court when required. A "motion to release on own recognizance (OR)" asks the court to let a defendant go without paying bail if the defendant agrees to appear when the court tells him or her to. A "motion to set" asks the judge to set a date for a future trial. A "motion to quash" asks the court to make something void or ineffective, such as to quash a subpoena.

motion to quash service of summons: A legal response that a tenant can file in an unlawful detainer lawsuit if the tenant believes that the landlord did not properly serve the summons and complaint.

multistate employer: An organization that hires and employs people in 2 or more states. A multistate employer does business in each state, and its employees must pay taxes in the state where they work.

multistate financial institution data match (MSFIDM): Process that matches the financial accounts in more than 1 state with parents that owe child support. States submit data on parents that owe support to the Office of Child Support Enforcement (OCSE). A state can then put a lien on and take all or part of an account.

municipal court: Before the Trial Court Unification Act of 1998, there were municipal courts in [judicial districts](#) that had more than 40,000 people. Municipal courts heard these kinds of cases: (1) cases asking for less than \$25,000; (2) all adult criminal misdemeanors with penalties of no more than 1 year in county jail or a fine of \$2,500; and (3) preliminary hearings in felony cases. Now, all these cases are heard in superior court.

murder: The unlawful killing of a person by another with premeditated malice, either expressed (said) or implied (suggested). (See also [homicide](#); compare with [manslaughter](#).)

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N

negligence: When someone fails to be as careful as the law requires to protect the rights and property of others.

neutral evaluation: When a neutral person (or persons) hears brief written and oral presentations, then considers the strengths and weaknesses of each side's contentions and evidence, and offers an overall evaluation of the dispute. (Compare [arbitration](#), [mediation](#).)

new hire reporting: A program that requires all employers to report newly hired employees to the State Directory of New Hires (SDNH) in their state. This data is submitted to the National Directory of New Hires (NDNH), and compared against child support order information in the Federal Case Registry (FCR) for possible enforcement of child support obligations through [wage garnishment](#).

nolo contendere: No contest; from the Latin for "I do not wish to contend." A plea of nolo contendere has the same effect on a criminal sentence as a plea of guilty, but may not be taken as an admission of guilt for any other purpose. For example, a person might plead nolo contendere and pay a fine or serve jail time as if guilty, but if he or she were sued in a civil case afterward, the other side would still have to prove that the person was guilty.

noncustodial parent (NCP): The parent that does not have primary care, custody, or control of a child. (See also [custodial parent](#).)

nonfeasance: Failure to perform an act that you are legally responsible for. (Compare [malfeasance](#), [misfeasance](#).)

nonservice: When a [summons](#) or [warrant](#) is issued but not [served](#) (delivered).

notary public: A person authorized under civil law to administer oaths, to attest (affirm) and certify that certain documents are authentic, and to take [depositions](#).

notice: A written announcement or warning. For example, a notice to the other side that on a certain date a particular motion will be made in court.

Notice of Entry of Judgment: A court form telling the parties about the judge's decision in a lawsuit.

Notice of Opposition to Claim of Exemption: In small claims court, a paper filed by the [judgment creditor](#) opposing the judgment debtor's claim that certain assets are exempt from collection.

nullity: The legal invalidation of a marriage; annulment. (Compare [dissolution](#).)

nunc pro tunc: When a court order is issued on 1 date but is effective retroactively (as of a date that is in the past); from the Latin for "now for then."

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O

objection: A formal protest made by a party over testimony or evidence that the other side tries to introduce.

obligation: Law or duty that requires parties to follow their agreement. An obligation or debt may be created by a judgment or contract, like child support.

obligee: The person, state agency, or institution owed a debt (usually money) like child support (also called "custodial party" if the money is owed to the person with primary custody of a child).

obligor: The person that must pay child support or perform some other financial obligation.

offense: An act that violates (breaks) the law. (See also [crime](#), [public offense](#).)

Office of Child Support Enforcement (OCSE): The federal agency responsible for administering the nationwide child support program.

offset: Amount of money taken from a parent's state or federal income tax refund before he or she receives it, or from an administrative payment like federal retirement benefits, to pay a child support debt.

opinion: A judge's written explanation of the decision of the court in [appellate](#) cases. Because a case may be heard by 3 or more judges in the appellate court, the opinion in appellate decisions can take several forms. If all the judges completely agree on the result, 1 judge will write the opinion for all. If all the judges do not agree, the formal decision will be based on the majority view, and 1 member of the majority will write the opinion. The judges that do not agree with the majority may write their own dissenting or concurring opinions to state their views. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law the majority used to decide the case. A concurring opinion agrees with the decision of the majority opinion, but offers comment or clarification or a completely different reason for reaching the same result. Only the majority opinion can be used as binding precedent in future cases. (See also [precedent](#).)

oral argument: The part of a trial when lawyers summarize their position in court and also answer the judge's questions.

order: (1) Decision of a [judicial officer](#); (2) a directive of the court, on a matter relating to the main proceedings, that decides a preliminary point or directs some steps in the proceedings. Generally used to invalidate a prior conviction, for example, an order issued after a hearing where a prior conviction is found invalid because certain legal standards weren't met during the time of trial and conviction. Or to set a fee, for example, an order telling a defendant to pay back the county for costs for a court-appointed attorney. Or to show cause, for example, an order to appear in court to give reasons why an action can't, should not have been, or has not been carried out. (See also [court order](#), [support order](#).)

Order to Appear for Examination: A court order telling the [judgment debtor](#) to come to court on a specified date and time to answer questions about his or her property and sources of income. Also called a "debtor's examination."

ordinance: A regulation made by a local government to enforce, control, or limit certain activities.

own recognizance (OR): When a person is released from custody and not required to pay bail because of his or her promise to come to court to answer a criminal charge. If the defendant does not return to court when promised, he or she can be charged with a [misdemeanor](#).

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P

panel: (1) In appellate cases, a group of judges (usually 3) that decide the case; (2) in the jury selection process, the group of potential jurors; (3) the list of attorneys that are available AND qualified to be appointed by the court to represent criminal defendants that can't afford their own lawyers.

pardon: When the chief executive of a state or country releases a convicted person from the punishment given him or her by a court sentence.

Parentage (parental relationship): A legal determination of who the parents of a child are.

Parenting classes: Classes that help parents focus on the needs of their children and give parents information to provide a nurturing non-threatening home environment. Sometimes the court may order one or both parents to go to parenting classes so they can learn to communicate better about their children's needs.

Parenting Plan: A detailed custody and visitation agreement that says when the child will be with each parent and how decisions are made. The parenting plan may be developed by the parents, through mediation, with the help of lawyers, or by a judge after a trial or hearing.

parole: A conditional release from prison that allows the person being released to serve the rest of the sentence out of prison if all conditions of release are met.

partner support: In family law, court-ordered support of a registered domestic partner or ex-partner.

party: One of the [litigants](#) in a court case. At the trial level, the parties are typically called the "[plaintiff](#)" or "petitioner" and the "[defendant](#)" or "respondent." On appeal, parties are called the "[appellant](#)" and "[appellee](#)."

Passport Denial Program: The names of [obligors](#) that owe \$5,000 or more in child support are sent to the federal Office of Child Support Enforcement for tax refund [offset](#) and to the U.S. Department of State to indicate that a passport can't be issued for that person.

paternity: Legal determination of fatherhood. Paternity must be determined before a court can order [child support](#) or [medical support](#). Also called [parentage](#) or [parental relationship](#).

paternity suit: A lawsuit to decide who the father of a child is if the parents were not married when the child was born. Also called "establishment of parental relationship."

payee: Person or organization in whose name child support or other money is paid.

payor: Person that makes a payment.

penalty: Punishment for breaking a law.

penalty assessment: An amount of money added to a fine.

pendente lite: Describes orders made during the actual progress of the lawsuit prior to final [disposition](#); from the Latin for "during the suit."

pending: The status of a case that is not yet resolved by the court. (See also [active status](#).)

peremptory challenge: A challenge to a potential juror in a case, by either the [defense attorney](#) or the prosecuting attorney, that usually results in that person's disqualification from service on the jury and does not require either attorney to say why the challenge is made. The law limits the number of peremptory challenges allowed. (Compare [challenge for cause](#).)

periodic rental agreement: An oral or written rental agreement that states how often the rent is due, like every week or every month, but does not specify the total number of weeks or months that the agreement will last.

perjury: A false statement made on purpose while under oath in a court proceeding.

Permanency Planning: A court action that gives a dependent child a permanent place to live, like an adoption or a guardianship.

Permanency Planning Hearing: A hearing to give a dependent child a permanent place to live. The hearing generally happens up to 18 months after the child is taken away from the parents.

personal injury: A kind of [civil case](#) that asks for [damages](#) for physical injury to people and/or property, or for wrongful death.

personal jurisdiction: The power of a court over the person of a defendant. In contrast to the jurisdiction of a court over a defendant's property.

personal service: Refers to when court forms are personally served (delivered). The person who serves the forms must tell the other person that these are legal papers, then leave the papers near the person (at their feet is fine). The person they

serve does not have to accept the papers or say or sign anything.

petit jury (or trial jury): A group of citizens that listen to the evidence presented by both sides at trial and figure out the facts in dispute. Criminal juries are made up of 12 people; civil juries are made up of at least 6 people. (See also [jury](#) and [grand jury](#).)

petition: A formal written request given to the court asking for a specific judicial action. (Compare [motion](#).)

petitioner: A person that presents a [petition](#) to the court.

Physical Custody: Where the children live, who takes care of them, and how much time they spend with each parent. There are two types of physical custody arrangements: [primary or sole physical custody](#) and [joint or shared physical custody](#).

plaintiff: A person that brings an [action](#); the party that complains or sues in a [civil case](#).

plea: In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. (See also [nolo contendere](#).)

plea bargain: Negotiation between the prosecuting attorney and the person accused of a crime or that person's lawyer to exchange a guilty plea for conviction of a lesser charge, if the court approves.

pleading: Written statement filed with the court that describes a party's legal or factual claims about the case and what the party wants from the court.

points and authorities: Also called "P's and A's." "Points and authorities" refers to the written legal argument given to support or oppose a [motion](#). It includes references to past cases, statutes (codes), and other statements of law that emphasize either the legality of the motion requested or the legal basis for the court to deny the motion.

polling of jury: A practice in which jurors are asked individually whether they agree with the final [verdict](#) in the case they just decided.

post: (1) A prefix meaning "after," as in "post-trial" matters; (2) to "post" something is to bring it to the public's attention, as in "to post a notice of sale."

power of attorney: When a person (the "principal") authorizes someone else (the "agent" or "attorney in fact") to take care of business for the principal. A power of attorney authorizes the agent to do whatever is necessary to manage the principal's assets. A "limited" or "special" power of attorney can be made more restrictive, by setting time limits for the agent to serve, limiting the agent to certain actions, or authorizing the agent to manage only particular assets. There are "general" powers of attorney, "limited" or "special" powers of attorney, and "durable" powers of attorney. A general or limited power of attorney ends when the principal becomes incapacitated. A durable power of attorney stays in effect if the principal becomes incapacitated.

pre: A prefix meaning "in front of" or "before," as in "pretrial" hearing.

precedent: A court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent," meaning that they use the principles established in earlier cases to decide new cases dealing with similar facts and legal issues. A judge will overlook precedent if a party can show that the earlier case was decided incorrectly or that it differed in some significant way from the current case.

Prejudgment Claim of Right to Possession: A form that a landlord in an unlawful detainer (eviction) lawsuit can serve with the summons and complaint on anyone living in the rental unit who may claim to be a tenant, but whose name the landlord does not know. Anyone living in the rental unit can join the eviction case (even if they are not listed on the court papers) by filling out and filing this form.

preliminary: Introductory, preparatory, preceding, or leading up to the main matter of business. For example, a preliminary injunction comes before a permanent injunction.

preliminary examination/hearing: A proceeding before a judicial officer in which evidence is presented so that the court can determine whether there is [probable](#) (sufficient) [cause](#) to hold the accused for trial on a [felony](#) charge.

presentence report: A report prepared by the [probation](#) department for the judge when sentencing a defendant. Describes defendant's background: financial, job, and family status; community ties; criminal history; and facts of the current offense. A presentence report must be done in [felony](#) cases and may be requested in [misdemeanor](#) cases.

presiding judge/justice: In a court with more than 1 judicial officer, the judge/justice that acts as administrator of the court's business.

pretrial conference: A meeting of the judge and lawyers to plan a trial, discuss which matters should be presented to the jury,

review proposed evidence and witnesses, and set a trial schedule. Typically, the judge and the lawyers also discuss the possibility of [settling](#) the case.

pretrial services: Services provided by a local agency to investigate a criminal defendant's background so a judge can decide whether or not to release the defendant from custody before trial.

prima facie: Not requiring further support to establish existence, credibility, or validity; from the Latin for "from first view." A prima facie case is sufficient on its face because it is supported by the necessary minimum evidence and free from obvious defects. Prima facie evidence is sufficient to support a certain conclusion unless contradictory evidence is presented.

Primary Physical Custody: A type of court order in which a child lives with one parent more than the other parent.

prior: A term generally used to refer to a previous conviction.

privilege: An advantage not enjoyed by all; a special exemption from prosecution or other lawsuits. (See also [immunity](#).)

probable cause: A reasonable basis for assuming that a charge or fact is well founded.

probate: The judicial process to determine if a will of a dead person (called the "decedent") is genuine or not; lawful distribution of a decedent's estate.

probate court: The department of each county's [superior court](#) that deals with probate [conservatorships](#), [guardianships](#), and the estates of people that have died.

probation: (1) A sentencing alternative to imprisonment in which the court releases a convicted defendant under supervision of a probation officer that makes certain that the defendant follows certain rules, for example, gets a job, gets drug counseling; (2) a department of the court that prepares a [presentence report](#).

probation officer: Officers of the probation department of a court. A probation officer's duties include conducting presentence investigations, preparing [presentence reports](#) on convicted defendants, and supervising released defendants.

probation report: (See also [presentence report](#).)

pro bono: Legal work done for free; from the Latin meaning "for the good."

procedure: The rules for conducting a lawsuit. There are rules of civil procedure, criminal procedure, evidence, bankruptcy, and appellate procedure.

proceedings: Generally, the process of conducting judicial business before a court or other judicial officer. A "proceeding" refers to any 1 of the separate steps in that process, like, a [motion](#), a [hearing](#).

process: A course of proceedings in a lawsuit. "Process" also can mean a legal paper that requires a defendant to answer a [complaint](#) or to accept a [default judgment](#).

process server: A person that serves court papers on a party to a lawsuit. (See also [personal service](#), [service of process](#), [substituted service](#).)

pro hac vice: The status of a lawyer that gets special permission to try 1 case in California because he or she is licensed to practice law in another state.

promissory note: A written document that says that a person promises to pay money to another.

pronouncement of judgment: When the judge formally issues a [judgment](#) in a case.

proof: Evidence that tends to establish the existence or truth of a fact at issue in a case.

proof of service: The form filed with the court that proves that court papers were formally served on (delivered to) a party in a court action on a certain date. (See also [service of process](#).)

pro per: An short form of "in propria persona." Refers to persons that present their own cases in court without lawyers; from the Latin for "in one's own proper person." (See also [pro se](#).)

pro se: Refers to persons that present their own cases in court without lawyers; from the Latin for "on one's own behalf."

prosecute: To charge someone with a crime and then try them for it in court. A prosecutor (also called "prosecuting attorney") tries a criminal case on behalf of the government.

prosecuting attorney: A public officer that prosecutes criminal cases on behalf of the state; sometimes referred to as "district attorney."

pro tem judge: A lawyer that volunteers his or her time to hear and decide cases. Also called a "temporary judge."

pro tempore: A [referee](#) or [commissioner](#) that temporarily replaces a judge; same as pro tem judge; from the Latin for "for the time being" or "temporarily."

proximate cause: Something that in a natural and continuous sequence, unbroken by any independent cause, produces an event without which an injury would not have occurred.

public assistance: Benefits, like money or food stamps, to help people or families in need. Information on people that apply for certain kinds of public assistance (like Temporary Assistance to Needy Families, TANF) is automatically sent to the state IV-D agency to identify and locate the noncustodial parent, establish paternity, and/or obtain child support payments. This lets the state get back some or part of the money it pays to people as public assistance. (See also [IV-D](#).)

public defender: A lawyer appointed by the court, usually to represent a defendant in a criminal case that can't afford to hire a lawyer.

public offense: A crime. Compare to private or civil wrongs that violate "private laws," for example, a contract between 2 parties. The difference between civil/private and criminal/public wrongs is that public offenses focus on the behavior of the offender while the law of civil wrongs focuses on making an injured person whole. (See also [crime](#).)

public record: A court record available for inspection by the general public. (Compare [confidential record](#), [sealed record](#).)

purge: To remove inactive case records from court files.

putative father: The person said to be the father of a child but who has not yet been medically or legally declared to be the legal father. (See also [genetic testing](#), [legal parent](#), [paternity](#).)

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Q

Qualified Medical Child Support Order (QMCSO): An [order](#) or [judgment](#) that provides for [medical support](#) for a child of a parent covered by a group health plan or provides for health benefit coverage for the child.

Qualified Domestic Relations Order (QDRO): An [order](#) or [judgment](#) issued by a court and approved by a pension plan, that divides a pension plan in order to make a fair division of property or to pay for child or spousal support.

quash: To make void, to vacate, to annul, to set aside. For example, to quash a subpoena means that the court will not enforce the subpoena because it has been voided or set aside.

quiet title: A case in which the ownership of real property is in dispute, and the court must decide who owns (or has title to) the property. To "quiet title" is to declare that a certain person is the legal owner of the real property in dispute.

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R

rap sheet: A written summary of a person's criminal history.

rebuttal: Evidence presented at trial by 1 party in order to overcome evidence introduced by another party.

recess: A short break in a trial ordered by the judge. (See also [adjournment](#); compare [continuance](#).)

recidivist: Habitual criminal, repeat offender.

reciprocity: A relationship in which 1 state gives certain privileges to other states or the citizens of other states on the condition that the first state and its citizens receive the same privileges in those other states.

record: A written account of the proceedings in a case, including all [pleadings](#), [evidence](#), exhibits, and [judgment](#) submitted during the case.

record on appeal: A copy of the [pleadings](#), [evidence](#), [exhibits](#), [orders](#), and [judgment](#), filed in a case in a trial court and a [transcript](#) of the [testimony](#) from the case.

record sealing: A request for a court order to "seal" the record of a [misdemeanor](#) conviction. To be eligible for sealing, the crime must have been committed before a defendant's 18th birthday and the judge must have already granted a "release of penalties" order. A sealing order closes any records related to the case, including conviction, charge, and arrest records. If a judge grants an order to seal the record, in the eyes of the law, the misdemeanor is considered to never have happened.

records retention and disposal schedule: A system or plan covering all records kept by a court that states what records may be disposed of and when.

recuse: To excuse (oneself) or be excused from a criminal or civil proceeding because of conflict of interest. For example, a judge may recuse himself or herself from a case because of personal or professional involvement with 1 or more of the parties.

referee: A person appointed by the court to hear and make decisions on limited legal matters, like juvenile or traffic offenses.

referral: Usually refers to an alternative program, like drug/alcohol rehabilitation ("rehab") instead of serving time in jail.

register of actions: The official permanent court record of actions in civil cases, including small claims. May be kept electronically and/or in a ledger.

reinstated bail: When bail that had been forfeited, exonerated, or reduced is reestablished in its original amount. (See also [bail exoneration](#), [bail forfeiture](#).)

remand: (1) When an [appellate court](#) sends a case to a lower court for further proceedings; (2) to return a prisoner to custody.

remanding order: An order to the sheriff to hold a defendant in custody until his or her next court appearance, or until bail is posted.

remittitur (of record): The transfer of the records of a case from a Court of Appeal to the original trial court for further action or other disposition as ordered by the [appellate court](#).

rent control ordinances: Laws in some communities that limit or prohibit rent increases, or that limit the reasons why a landlord can evict a tenant.

rental agreement: An oral or written agreement between a tenant and a landlord, made before the tenant moves in that sets the terms of the tenancy, like the amount of the rent and when it is due. See [lease](#) and [periodic rental agreement](#).

rental application form: A form that a landlord may ask a tenant to fill out before renting that asks for information about the tenant, like the tenant's address, telephone number, employment history, and credit references.

rental unit: an apartment, house, duplex, condominium, or room that a landlord rents to a tenant to live in. When a tenant uses the rental unit to live in, it is called a "residential rental unit."

renter's insurance: Insurance that protects the tenant's property against losses, including theft or fire. This insurance usually also protects the tenant against liability (legal responsibility) for claims or lawsuits filed by the landlord or by others who may claim that the tenant negligently injured another person or property.

repair and deduct remedy: The tenant's remedy of deducting from future rent the amount necessary to repair defects covered by the implied warranty of habitability. The amount deducted **cannot** be more than one month's rent. Tenants should be careful when using this remedy and should talk to a lawyer first to make sure it is appropriate for their situation.

report and sentence: The proceeding that happens after a conviction in a criminal case in which the judge reviews the probation report and sentences the defendant.

reporter: A court official that records the proceedings in trials, including the questions asked of, and answers made by, witnesses.

request for admission: A method of discovery in which 1 party formally and in writing asks the opposing party to admit the truth of certain facts relevant to a case. (See also [discovery](#).)

reset: To put on the court calendar again. (See also [calendar](#).)

residency: The usual, official place of residence. The place where a person makes his or her home.

residential hotel: Any building that contains six or more guest rooms or efficiency units that are designed, used, rented or occupied for sleeping purposes by guests, and which is the primary residence of these guests.

respondent: The person against whom an appeal is made; the responding party in a dissolution, nullity, adoption, or probate case. (See also [dissolution](#), [nullity](#).)

restitution: The act of restoring or giving the equivalent value to compensate for an injury, damage, or loss.

restraining order: A court order that tells a person to stop doing something for a certain amount of time, usually until a court hearing is held. (See also [injunction](#).)

retaliatory eviction or action: An act by a landlord, like raising a tenant's rent, trying to evict a tenant, or punishing a tenant because the tenant has asserted his or her rights as a tenant.

revenue: Income received by a public entity (like court filing fees) to offset the cost of providing service(s).

reverse: When an [appellate court](#) sets aside the decision of a trial court. A reversal is often accompanied by a [remand](#) to the lower court for further proceedings.

review and adjustment: Process in which current financial information is obtained from both parties in a child support case by a [IV-D](#) agency and evaluated to decide if a support order needs to be adjusted.

revocation: The act of voiding or canceling something, usually [probation](#) or a driver's license.

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S

sanction: (1) To concur, confirm, or ratify. (2) A penalty or punishment intended to make someone obey the law.

satisfaction: Payment of a [judgment](#) amount by the losing party.

sealed record: A record closed by a court to further inspection by anyone unless there is a court order to permit it. (Compare with [confidential record](#), [public record](#).)

security deposit: A deposit or a fee that the landlord requires the tenant to pay at the beginning of the tenancy. The landlord can use the security deposit, for example, if the tenant moves out owing rent or leaves the unit damaged or less clean than when the tenant moved in.

seizure order: Court order (after [motion](#)) allowing a [levying officer](#) to [levy](#) on personal property in a private home.

self-surrender: When a person turns him or herself in voluntarily to the jail, police, or the court.

sentence: A judge's formal pronouncement of the punishment to be given to a person convicted of a crime.

sentencing guidelines: A set of rules and principles established by the United States Sentencing Commission that trial judges use to determine the sentence of a convicted defendant in a federal court case.

separation date: The date of separation for divorces or registered domestic partnerships is when one spouse (or both) or one partner (or both) decides that the marriage or partnership is over and takes some actions to show this (like moving out of the house).

separate property: Separate property is everything that a husband or wife or registered domestic partners OWNS SEPARATELY. In most cases that includes:

- (1) anything that you owned before you got married or registered as domestic partners;
- (2) anything you earned or received after your separation; and
- (3) anything that either of you received, as a gift or by inheritance, at any time.

sequestration: Members of a sequestered jury are usually housed together in a hotel and are not allowed to contact people outside of the court. Sequestration rarely occurs and is meant for jurors' protection. It is used to keep the jurors away from the media during a controversial trial where widespread media coverage could influence a juror's decision. In rare cases, there may be attempts to influence the jurors' deliberations through threats.

service by publication: When service of process is done by publishing a notice in a newspaper or by posting on a bulletin board of a courthouse or other public facility after a court determines that other means of service are impractical or have been unsuccessful. (See also [service of process](#).)

service of process: The delivery of legal papers to the opposing party. The papers must be delivered by an adult aged 18 or older that is not involved in the case and that swears to the date and method of delivery to the recipient. (See also [personal service](#), [substituted service](#).)

settlement: An agreement reached among the parties that resolves the case at any time before a judge's decision in the case or a jury verdict. (See also [finding](#), [verdict](#).)

settlement agreement: In a dissolution, legal separation, or annulment of marriage or domestic partnership, a stipulated judgment will often include a settlement agreement. A settlement agreement is a written contract between you and your spouse or domestic partner that contains detailed legal wording about how the issues in your case will be handled. It is usually used when there are complicated issues of property, debt, support, or custody that need to be set out in the judgment.

severance of actions: To separate multiple criminal actions, defendants, causes of action, or [cross-complaints](#) for separate trials.

show cause: A court order telling a person to appear in court and present any evidence why the orders requested by the other side should not be granted or executed.. A show cause order is usually based on a [motion](#) and [affidavit](#) asking the judge to make certain decisions.

sine die: Without assigning a specific day for further hearing; from the Latin for "without a day."

slander: Defamation of a person's character or reputation through false or malicious oral statements. (Compare [libel](#).)

small claims case: A [civil case](#) for a monetary [judgment](#) of \$5,000 or less. (See also [small claims court](#).)

small claims court: The division of the [trial court](#) that handles civil cases asking for \$7,500 or less. The plaintiff can file either a small claims case or a regular civil (of limited jurisdiction) case in [superior court](#). Small claims court is designed to be simple, quick, and less costly than a regular civil lawsuit. In small claims court there are no lawyers, no rules of evidence, and no juries. The plaintiff has no right to appeal the judge's decision, but the defendant may appeal. An appeal would mean a new trial before a different judge. Lawyers can participate in the appeal.

small claims court commissioner: A small claims court commissioner is a lawyer hired by the court to hear and decide small claims court cases.

Sole Legal Custody: A type of court order in which one parent has the legal authority to make the major decisions affecting the child, like health care, education, and religion. If the parents do not agree on a decision about the child, the parent with sole legal custody has the right to make the final decision. "Sole custody" does not give one parent the right to move away with the child without notice to the other parent unless the court order specifically gives that right.

Sole Physical Custody: See [Primary Physical Custody](#).

Sole Proprietorship: An unincorporated business that is owned by one individual

special education: Instruction specially designed to meet the unique needs of a child whose disability affects his or her educational performance or ability to learn in a regular classroom.

spousal support: Court-ordered support of a spouse or ex-spouse; also called "maintenance" or "alimony."

State Case Registry (SCR): A database maintained by each state that contains information on individuals in all IV-D cases and all non-IV-D orders established or modified after October 1, 1998. (See also [IV-D](#).)

State Directory of New Hires (SDNH): A database maintained by each state, that contains information about newly hired employees in that state. (See also [new hire reporting](#).)

State Parent Locator Services (SPLS): A unit within each state's [child support enforcement agency](#) that locates noncustodial parents to establish and enforce child support obligations, visitation, and custody orders or to establish paternity.

statement of facts: Any written or oral declaration of facts in a court case.

status offense: An act, committed by a child, that is illegal only because of the child's age (e.g. truancy, underage drinking, etc.).

statute: A law passed by Congress or a state legislature.

statute of limitations: A law that sets the deadline for parties to file suit to enforce their rights. For example, if a state has a 4-year statute of limitations for breach of a written contract, and "John" breached a contract with "Susan" on January 1, 1996, Susan must file her lawsuit by January 1, 2000. If the deadline passes, the "statute of limitations has run" (or the claim is "time-barred") and "Susan" may not be allowed to sue. There are very few conditions that allow a statute to be extended or "tolled" (kept from running).

statutory damages for malice: A financial penalty set by law if one of the parties has acted with malice. Malice is conscious, intentional wrongdoing based on ill will, hatred or total disregard for the other's well-being.

stay order: An order issued by a court stopping court proceedings until a further, specified event takes place.

stipulated judgment: An agreement between the parties to a case that settles a case. For example, if you and your spouse agree on all the matters about your divorce, you can submit a stipulated judgment to the court. The stipulated judgment must be signed by both you and your spouse, and will list your agreements about the division of property and debts, child and spousal support and child custody and visitation. Once the stipulated judgment is signed by the judge, it becomes the judgment in your case.

stipulation: An agreement relating to a [pending](#) court proceeding between parties or their attorneys.

strike: To delete or remove, as in to strike (a case) from the court's calendar.

sua sponte: Commonly used to describe when a judge does something without being asked to by either party in a case; from the Latin for "of one's own will."

sublease: A separate rental agreement between the original tenant and a new tenant to that rents all or part of the original tenant's unit. The new tenant is called a "subtenant." The agreement between the original tenant and the landlord is still in place, and the original tenant continues to be responsible for paying the rent to the landlord and for other tenant obligations.

subpoena: An official order to go to court at a stated time. Subpoenas are commonly used to tell witnesses to come to court to testify in a trial. The term subpoena is also used generally to apply to a [subpoena duces tecum](#).

subpoena duces tecum: An official court order to bring documents or records to a stated place at a stated time.

subrogate: To substitute 1 person for another in a legal claim.

substituted service: Service of process on a party by leaving the court papers with someone other than a party to the lawsuit; valid only if certain specified procedures are followed. (See also [service of process](#).)

summary judgment: A court decision made on the basis of statements and evidence presented for the court record without a trial. It is used when no factual disputes exist in the case. Summary judgment is granted if, based on the undisputed facts in the record, a party is entitled to judgment in his or her favor as a matter of law.

summons: A notice to a [defendant](#) or [respondent](#) that an action against him or her was filed in the court issuing the summons and that a [judgment](#) will be taken against him or her if the defendant or respondent doesn't answer the complaint or petition within a certain time.

superior court: The trial court in each county of the State of California. This court hears all adoption, family law, juvenile, criminal, civil, small claims, and probate cases.

Supervised visitation: Visitation between a parent and a child that happens in the presence of another specified adult. The court may order supervised visitation when there has been domestic violence, child abuse, or a threat to take the child out of state. [Click here](#) for more information on supervised visitation.

support order: A court order for the support of a child, spouse or domestic partner. A support order can include monetary support; health care; payment of debts; or repayment of court costs and attorney fees, interest, and penalties; and other kinds of support. (See also [noncustodial parent](#), [obligation](#), [obligor](#).)

suppress: To stop or put an end to someone's activities. To suppress evidence is to withhold it from disclosure or publication.

surety bond: An insurance policy taken out by a defendant with a national insurance company in which the insurer agrees to pay the court the amount of bail required for the defendant's release if the defendant fails to come to court when he or she is supposed to.

surety bond register: A bound, dated volume made available to the public and containing information about each [surety bond](#) deposited with the court. It is used by surety bond insurance companies and their bail bondsmen to check the status of their outstanding bail bonds. A company can find out from the register whether or not bonds have been or [exonerated](#).

surrogate parent: A person that substitutes for the legal parent to advocate for a child's [special educational](#) rights and needs; can be selected by the child's parent or appointed by the local educational agency ([LEA](#)).

suspend: To postpone, stay, or withhold certain conditions of a judicial [sentence](#) for a temporary period of time.

suspended sentence: In criminal law, this means the defendant doesn't have to serve the sentence at the time the [sentence](#) is imposed.

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T

Temporary Assistance to Needy Families (TANF): Time-limited public assistance payments made to poor families, based on title IV-A of the Social Security Act. TANF replaced Aid to Families With Dependent Children (AFDC, also called "welfare") in 1996.

temporary judge: An attorney that volunteers his or her time to hear and decide cases. Also called a "pro tem judge."

temporary restraining order: A court order, sometimes called a "TRO," that says a person must not do certain things that are likely to cause harm that can't be fixed. Unlike an [injunction](#), it can be granted immediately, without notice to the opposing party and without a hearing. It is intended to last only until a hearing can be held. TROs are often used in domestic violence cases to protect a person from violence or the threat of violence.

tenancy: The tenant's exclusive right, created by a rental agreement between the landlord and the tenant, to use and possess the landlord's rental unit.

tenancy at will: A right to occupy property for an indefinite period of time. The right is given by the property owner or landlord. Ending a tenancy at will requires the same legal procedure as ending a month-to-month tenancy. (See [lease](#).)

tenant: A person who rents or leases a rental unit from a landlord. The tenant has the right to the exclusive use and possession of the rental unit during the lease or rental period.

tenant screening service: A business that collects and sells information on tenants, like whether they pay their rent on time and whether they have been defendants in eviction (unlawful detainer) cases.

terminal: A machine connected to a computer system that lets the user enter, see, or print information.

testate: Having made a will or having died leaving a valid will. (See also [intestate](#).)

testator: A person that has made a will or that has died leaving a valid will.

testify: To give evidence under oath as a witness in a court proceeding.

testimony: Evidence presented orally by witnesses during trials, before grand juries, or during administrative proceedings.

third-party action: Generally, an action taken by anyone that is not a party to an underlying contract, agreement, or other transaction.

third-party claim: An interest or share in property that has been taken by order of a court.

ticket: A citation, usually for a traffic violation.

till tap levy: A [judgment](#) enforcement procedure in which the [levying officer](#) makes a trip to a business and picks up the money in the cash register or cash box. Many counties now combine this procedure with a [keeper](#).

Time-share: the plan for how the parents share time with their children. Also called [visitation](#) or [parenting plan](#).

time waiver: When you give up the right to have a certain phase of the legal process take place within the normally specified amount of time.

title: The ownership or evidence of ownership of land or other property.

toll: See [statute of limitations](#).

tort: A private or civil wrong; failure to perform some duty required by law or custom, resulting in harm to another. The victim of a tort may have the right to sue for damages to compensate for the harm suffered. Victims of crimes may also sue in tort (in a civil case) for the wrongs done to them. (See also [damages](#).)

tortfeasor: A person that commits or is found guilty of a [tort](#).

transcript: A written, word-for-word record of what was said at a trial or some other formal conversation like a hearing or [deposition](#).

transfer: A judge's order to transfer a case from 1 court to another before a hearing or trial is held in the matter.

Transition: the moving of a child from one place where they are taken care of (like home, school or day care) to another.

trial: A court process in which the issues of fact and law are heard and decided according to legal procedures so a judicial officer or jury can make a decision in the case. Can be either (1) a bench trial—a trial that is heard and decided by a judge, or (2) a jury trial—a trial that is heard and decided by a jury.

trial court: The first court to consider a case, generally the [superior court](#). (Compare [appellate court](#).)

trust fund: Money, stocks, bonds, or securities held under the control of someone for the use and benefit of another.

trust items: The specific things held in trust.

trustee: (1) The person that has custody of or control over funds or items for the benefit of another; (2) in a bankruptcy case, a person appointed to represent the interests of the bankruptcy estate and the unsecured creditors. The trustee's responsibilities may include selling the property of the estate, making distributions to creditors, and bringing actions against creditors or the debtor to recover property of the bankruptcy estate.

turnover order: Court order (after [motion](#)) requiring a [judgment debtor](#) to turn over specified property to the [levying officer](#).

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U

U.S. attorney: A lawyer appointed by the president of the United States in each federal judicial district to prosecute and defend cases for the federal government. The Office of the U.S. Attorney has a staff of assistant U.S. attorneys that appear as the government's attorneys in individual cases.

Unbundled legal services (or unbundling): An arrangement with a lawyer to receive help on some parts of a case for a set fee or limited fees. Also called "limited-scope representation."

unclaimed funds: Support payment that can't be disbursed because the identity of the [pavor](#), or the address of the [payee](#), is unknown.

undertaking: A promise given during a legal proceeding by a party or his or her attorney, usually as a condition of getting some concession from the court or the other party.

Uniform Interstate Family Support Act (UIFSA): Uniform state laws that provide mechanisms for establishing and enforcing child support obligations in interstate cases (when a noncustodial parent lives in a different state than his or her child and the custodial parent).

uninhabitable: A rental unit that has problems or defects so serious that they affect the tenant's health or safety. A rental unit may be uninhabitable if it is not fit for people to live in, or if does not follow important building and safety code standards that affect the tenants' health and safety. (Compare to [habitable](#).)

unlawful detainer: A lawsuit in which a landlord tries to evict a tenant because, according to the landlord, the tenant no longer has the right to live on the property. Also called an *eviction*.

unlawful detainer assistant: Any person paid to help someone in an eviction (unlawful detainer) case, including any

bankruptcy petition that may affect the unlawful detainer case.

unreimbursed public assistance: Money paid in [public assistance](#) to support a child (like, TANF or AFDC) that a noncustodial parent that was ordered to pay child support has not yet paid back.

uphold: When an appellate court agrees with the lower court decision and allows it to stand. (See also [affirmation](#).)

urine test: A medical test of a urine sample to see if it contains evidence of alcohol or some other drug.

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V

vacate the default judgment: Getting a default judgment removed or erased. (See also [default judgment](#).)

venire: Usually describes the whole group of people called for jury duty from which the jurors are selected. From the Latin for "to come."

venue: The particular court in which an action may be brought.

verdict: The final decision about the guilt or innocence of a criminal defendant made by a judge or jury. In a civil case, can be: (1) general: a jury verdict in a civil case in favor of the plaintiff or in favor of the defendant; (2) special/directed: a judge's verdict in a civil case, after considering applicable law and after the jury states its conclusions on specific factual issues.

verification: An oral or written statement, usually made under oath, saying that something is true.

violation: A breach of a right, duty, or law.

Visitation: A plan for how the parents will share time with their children. Also called [time-share](#).

voir dire: The process by which judges and lawyers select members of the [jury](#) by questioning them to make sure they can fairly decide the case.

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W

wage assignment: A legal procedure that requires the employer of a [judgment debtor](#) to withhold a portion of the judgment debtor's wages to satisfy a [judgment](#). Also used to order an employer to transfer (or assign) parts of future wage payments to pay a debt, like child support.

wage attachment: An involuntary transfer of a portion of an employee's wage payment to repay a debt. (See also [income withholding](#), [wage withholding](#).)

wage garnishment: A legal procedure that requires the employer of a [judgment debtor](#) to withhold a portion of the judgment debtor's wages to satisfy a [judgment](#). Also used to order an employer to transfer (or assign) parts of future wage payments to pay a debt, like child support.

wage withholding: A legal procedure that allows deductions to be made from wages or income on a regular schedule. The deductions are used to pay a debt, like child support. Wage withholding often is incorporated into a child support order. It can be voluntary or involuntary. Also known as "income withholding." (See also [direct income withholding](#), [earnings assignment](#), [income withholding](#).)

waiver: To give up a legal right voluntarily, intentionally, and with full knowledge of the consequences.

waiver of rights form: A form signed by a defendant and the judge recording which, if any, legal rights are waived (or given up) by the defendant.

ward of the court: A minor that is under the care and control of the juvenile court and not his or her parent(s).

warrant: A written order issued and signed by a judge or judicial officer directing a peace officer to take specific action. Can be: (1) an arrest warrant—orders a peace officer to arrest and bring to the court the person accused of a crime to begin legal action; (2) a bench warrant—a judge's order to arrest and bring a person to court because the person has failed to appear in court when they were supposed to; (3) a recall warrant—an order to remove from Department of Justice and state police computers information about canceled warrants to avoid mistaken arrests; or (4) a search warrant—an order based on a finding of [probable cause](#) directing law enforcement officers to conduct a search of specific premises for specific persons or things and to bring them to the court.

warranty of habitability: A promise that goes with the rental of residential property that it will be fit for people to live in (habitable), including working plumbing, gas, electrical and heating systems, hot and cold running water, locking doors and windows, watertight roof, windows, walls and doors, and other health and safety conditions, including clean and sanitary maintenance of the building and grounds, enough bins to store garbage and no rodents or vermin. This promise is part of the law, even if the landlord does not include it in the lease or rental agreement.

will: A legal paper that lists a person's wishes about what will happen to his or her personal property after death.

without prejudice: A term used when rights or privileges are not waived or lost. A dismissal of a lawsuit without prejudice means a new suit can be brought on the same cause of action if it is within the [statute of limitations](#).

witness: A person called by either side in a lawsuit to give testimony before the judge or jury.

writ: A written court order saying that certain action must be taken. Can be a writ of: (1) attachment—an order to attach specified property; (2) certiorari—an order by an [appellate court](#) granting or denying a review of [judgment](#); (3) execution—an order to enforce a court judgment; (4) habeas corpus—an order to release someone that has been unlawfully imprisoned; (5) mandamus (or mandate)—an order to perform any act designated by law to be part of a person's duty or status; or (6) prohibition—the opposite of a writ of mandate that orders that further proceedings or other official acts be stopped (usually issued from a higher to a lower court).

Writ of Execution: An order issued by a court requiring the performance of a specified act, or giving authority to have it done. It is used to allow the [levying officer](#) the power to take the judgment debtor's property.

writ of possession: A document issued by the court after the landlord wins an eviction (unlawful detainer) lawsuit. The writ of possession is served on the tenant by the sheriff. The writ informs the tenant that the tenant must leave the rental unit within five days, or the sheriff will forcibly remove the tenant.

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