

COURT OF COMMON PLEAS, MONTGOMERY COUNTY
DOMESTIC RELATIONS DIVISION

Glossary of Terms

- A -

AFFIDAVIT – A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.

AFFIDAVIT OF FINANCIAL DISCLOSURE- A form used by the parties to list their sources of income and amount of earnings as well as their expenses, which ultimately reflects each parties' financial circumstances. Also used as a reference when calculating each parties' obligation to support the child(ren) of the marriage. This form is mandatory and must be submitted in all new cases and in all post-decree cases involving support.

AFFIANT – The person who makes and subscribes an affidavit. The word is used, in this sense, interchangeably with “deponent.” But the latter term should be reserved as the designation of one who makes a deposition.

ANSWER – A pleading filed by the defendant setting forth his or her grounds for defense, either denying allegations of plaintiff's complaint or confessing them and alleging new matter which defendant alleges should prevent recovery on facts alleged by plaintiff.

ARREARAGE - Amount of overdue and unpaid child/spousal support owing in an account.

ARREARAGE PAYMENT- An amount ordered in addition to the current support obligation, which is used to pay off any outstanding arrearage owed in an account. (Standard amount ordered is 20% of the current obligation, however, the court can order more or less than 20%.)

- C -

COMPLAINT - Request for a specific action (example - divorce/settlement). The original or initial pleading by which an action is commenced which sets for a claim for relief. The complaint, together with the summons, is required to be served on the defendant.

COMPUTATION WORKSHEET - Form used when calculating income and expenses in conjunction with the child support schedule to establish a child support obligation. This form also provides the percentages used to determine the amount each party will pay for uninsured health care expenses. There are two different variations of the computation sheet. The most common is the Sole Residential Parent or Shared Parenting Order used when either one of the parties will have exclusive custody of the children or have entered into a Shared Parenting Plan. The Second, less

common computation sheet is the Split Parental Rights and Responsibilities which is used when the parties divide custody of multiple children (i.e. Mom has two children, Dad has one).

CPO - Civil Protection Order – A CPO is the document a domestic violence victim, the victim’s parent or an adult household member of the victim must file with the domestic relations court to obtain a civil protection order against an alleged domestic violence offender. A CPO is issued by a domestic relations court to protect a victim of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not do certain things in the future. This order grants protection to the person(s) that are being threatened of Domestic Violence. This order stays in effect for up to five years or until dismissed.

- D -

DECREE OF SHARED PARENTING - The Entry adopting the parties Shared Parenting Plan whereby making it an official order of the Court.

DEFENDANT – The person defending or denying; the party against whom relief or recovery is sought in an action or suit. Second person listed in the caption of a divorce action. (Abbreviation DF)

DEPOSITION – The testimony of a witness taken upon interrogatories, not in open court, reduced to writing and intended to be used upon the trial of a civil action or criminal prosecution.

DETERMINATION OF PATERNITY FORM - A form, which is required when a child is born before the marriage, which establishes the father of the child.

DISSOLUTION - The parties **are** in agreement with all of the necessary issues involved in terminating a marriage and have submitted a Separation Agreement listing their settlement/agreement, which is adopted as the Final Decree of Dissolution upon the final hearing. Identified by the letters DM in the case number (example: 85 DM 1234).

DIVORCE - The parties **are not** in agreement with all of the necessary issues involved in terminating a marriage and requires a Judge s decision. A Final Decree of Divorce is prepared by the representing attorneys or **ProSe (the parties themselves)** that becomes an official order of the Court. Identified by a DR in the case number (example 85 DR 1234). A Complaint for Divorce must be filed with the Clerk of Courts before the matter is set for hearing.

DR COURT - Domestic Relations Court

DRCO - Domestic Relations Compliance Office. Reviews and keeps records updated by administrative action.

D.V. - This abbreviation stands for Domestic Violence. When a domestic dispute occurs between household members that creates a threat of Domestic Violence (example: 00 DV 99).

- E -

EX PARTE - When a person files an **emergency** Motion/Petition. This order is generally granted the same day the Petition is filed and is later set for a full hearing.

- F -

FRD – Family Relations Department.

FSO - This abbreviation stands for Foreign Support Order. These are cases where the divorce/dissolution was granted in another state, but one of the parties has had the case transferred to this Court's jurisdiction for matters of convenience (now lives in this area). Identified by the letters FSO in the case number (example: 85 FSO 912).

FUTURES - An overpayment in a support account reflected in the records of the SEA/SETS.

- H -

HOLDS - When an account is paid in full or is becoming close to being paid in full, the SEA has the ability to place a Hold on an account, so that the account does not become overpaid. This is pursuant to the General Order filed on May 17, 1988.

- I -

IV-D APPLICATION - A form required when there is an order of child support, which requires the Obligees signature. This form is forwarded to the SEA and enables the SEA to provide collection/enforcement services.

INTERROGATORIES – A set or series of written questions drawn up for the purpose of being propounded to a party, witness, or other person having information of interest in the case. A discovery device.

- J -

JC - The abbreviation stands for Juvenile Court. This Court is separate from ours and the majority of their cases involve establishing paternity/support for minor children when the child/ren has been born out of wedlock. Other situations involve removal of children and/or changes of custody in both Juvenile Court and Domestic Relations cases due to inadequate care or the delinquency of the child themselves. If your case has a JC in the case number, please call the Juvenile Court with any questions you have.

- L -

LEGAL SEPARATION - A court order arranging the terms (custody, support, division of property, etc.) under which a married couple will live separately. This is filed when the parties do not want a Divorce/Dissolution of their marriage, but do feel separation is necessary. A Legal Separation is identified by LS in the case number (example: 99 LS 01).

LOCAL RULES - A listing of requirements by law and local regulations along with examples of standard language used to address required issues when filing an Order in the Montgomery County Domestic Relations Court. The public and attorneys may obtain a copy of the Local Rules in Room 250. They are also available on disc and on the court's website.

LSD – Legal Secretaries Department. Our legal secretaries type all of the Magistrate's Decisions, temporary orders, etc. which are the result of a hearing in front of a magistrate of this court.

- M -

MAGISTRATE – An attorney who has been hired by the court to take evidence and decide cases. The magistrate acts as the Judge in assigned cases, allowing the Judge to handle cases more quickly. If your case is assigned to a magistrate, he or she will hear the evidence. Then, the magistrate makes written findings in a magistrate's decision. The magistrate also makes recommendations to the Judge as to what the ultimate order in the case should be. The Judge reviews the magistrate's decision before making the final order in your case.

MEDIATION – Mediation is a process where parties resolve disputes outside the formal legal system. In mediation, the parties meet in a private setting to work out solutions to their problems with the help of two mediators. The mediators do not decide who is right or wrong. The mediators will not force the parties to reach an agreement. The mediators help each side to better understand their situation and encourage the parties to create solutions that meet their individual needs. Any agreement reached is voluntary.

MOTION - The formal application in which a party submits a request to the court for purposes of obtaining an order directing some act to be done in favor of the applicant.

MOVANT - The person whom makes a Motion.

- N -

NON-CON – Non Contested Divorce. One party files a Complaint for Divorce and the other party does not respond. A final hearing is set before the Judge (only one party of the action and a witness need be present), the matter is heard by the Judge, and a Final Decree of Divorce is filed.

- O -

OBLIGEE - The party receiving child/spousal support. (Abbreviation EE)

OBLIGOR - The party responsible for paying child/spousal support. (Abbreviation OR)

OCSPC - **O**hio **C**hild **S**upport **P**ayment **C**entral - This is where all incoming support checks are mailed and processed. The address is as follows: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, OH 43218-2394.

OHIO CHILD SUPPORT GUIDELINES - Also known as the Child Support Schedule - A table of possible child support obligations broken down into columns based on the total combined income of the parents involved in the divorce action along with the number of children involved.

OWO - This abbreviation stands for Out Of State Wage Withholding Order. These cases are not considered a Montgomery County Case, but we can enforce the case by issuing a Notice to Withhold or collect on an arrearage on behalf of the Court of jurisdiction's request.

- P -

PED – Parent Education Department

PETITIONER ONE - First person listed in the caption of a dissolution of marriage. (Abbreviation P1)

PETITIONER TWO - Second person listed in the caption of a dissolution of marriage. (Abbreviation P2)

PLAINTIFF - First person listed in the caption of a divorce action. (Abbreviation PL)

PLS – Public Legal Specialist

PRAECIPE – An order written out and signed, addressed to the clerk of courts, requesting him to issue a particular writ. Also used to direct the court reporter to prepare a transcript.

PRO SE – For himself; in his own behalf; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court.

- Q -

QDRO - **Q**ualified **D**omestic **R**elations **O**der. An order used to divide the retirement of one of the parties.

Q-FILE - A file of each case filed in DR Court, which contains information that is not available to the public. The Q-files are kept on the 2nd floor in DR Court and are confidential.

QMCSO/DEPENDANT HEALTH CARE ORDER - An order filed when health care for the minor children is available to the parties through their employment.

- R -

RESPONDENT - The person against whom a Motion is filed.

RIGHTS & REMEDIES - A listing of the Obligee rights when filing an order in DR Court. Rights and Remedies are attached when filing an order of support in DR Court.

- S -

SEA - Stands for the Montgomery County **S**upport **E**nforcement **A**gency. They are located at The Job Center, 1111 S. Edwin C. Moses Blvd., Dayton, OH 45422.

This agency keeps a running account of funds received vs. monies owed in an individual account. The SEA is the main contact for the parties in a case regarding investigation and enforcement of child/spousal support, health care and other related issues, including Juvenile Court cases and Prosecutor referrals. Parties in a case may provide documentation to the SEA, who in turn investigates the matter, and if necessary, forwards to the court to issue an order. The SEA can handle some administrative actions within their office such as recommending modifications in child support or asking that the Obligor pay an additional amount on an accumulated arrearage. These too are referred to the Court to adopt as an official court order. The SEA also has the capability to issue Notice To Income Providers based on an Obligor changing employers.

SEA/SETS INFORMATION SHEET - A form required with a Decree/Agreed Entry when there is new information or a change in employment/health care. This form is forwarded to the SEA and is what the SEA uses to update their records.

SETS - **S**upport **E**nforcement **T**racking **S**ystem - A statewide computer system that follows the State of Ohio's child support statutes. Ohio counties can communicate with each other through SETS and share information.

SHARED PARENTING REQUEST/PLAN - Similar to Separation Agreement where the parties list their agreement with regard to the care of the children and related issues, and is later adopted by the Final Decree of Shared Parenting. The parties are required to file a request for Shared Parenting (asking the court to consider the Shared Parenting Plan). The Judge will then address the issue at the Final Hearing at the same time that the Divorce/Dissolution is being heard and grant, revise or refuse the Shared Parenting Plan.

STANDARD ORDER OF PARENTING TIME - A schedule of times for the parties regarding parenting time of the children. Unless otherwise referenced in a divorce, the Standard Order of Parenting Time is what is required between the parties regarding parenting time of the children.

SUBPOENA – A command to appear at a certain time and place to give testimony upon a certain matter. A subpoena duces tecum requires production of books, papers and other things.

- T -

THIRD PARTY DEFENDANT - A person/agency added to a case that is neither the Plaintiff or Defendant that is necessary in carrying out the action of the case. (A Third Party Defendant can be a grandparent, a bank, an employer, etc.)

TRANSCRIPT – Word for word account of testimony taken.

- U -

UJ/OS - Out of State Parenting Orders, which can only address child support and custody, issues. They can be heard in this court.