

DEFINITION OF LEGAL TERMS .

Adjournment — The postponing or putting off of a case or session of court until another time or place.

Adjudicate - To determine judicially.

Adjudication — The final determination by the court, of a case by a finding of guilt or innocence.

Adoption — The act by which a person takes the child of another into his or her family and makes the child, for all legal purposes, his or her own child.

Adult — In criminal cases, the age of 17 years or older. For most other proceedings, the age of 18 or older..

Appeal — A request to a higher court to change the judgment of a lower court.

Appearance Ticket -- A written notice to appear in court in connection with a violation of the commission of a state law or local ordinance (Truancy, curfew, MIP, Disorderly, etc.)

Apprehension Order-- An order issued by the court to take a minor into custody.

Attorney — A lawyer; a person admitted to legal practice in a state who is qualified to represent the legal interests of another person.

Automatic Waiver — See Waiver of Jurisdiction.

Bailiff — A court employee who maintains order in the courtroom and who is responsible for the custody of the jury, among other functions.

Bench Trial — Trial of a case held before a judge sitting without a jury.

Bench Warrant — An order issued by the court, ("from the bench") for the arrest of a person for violating a court order..

Bond — A promise or contract to do or perform a specified act(s) or to pay a penalty for failure to perform, usually guaranteed by a "surety" who promises to pay if the "principal" defaults, or by deposit of money as a "cash bond." Means basically the same as "bail" on criminal cases; contract to pay; security. A contract to pay when another person defaults — a surety. A contract to act as surety and to pay where the principal defaults. It is given by public officers to guarantee honest and faithful performance of their official duties while in office.

Burden of Proof — The duty to prove a fact or facts in dispute. In criminal cases, the prosecution must prove its case "beyond a reasonable doubt."

Calendar — A list of all pending cases, or all pending issues ready for trial in court. A court's complete trial (etc.) schedule. Often used interchangeably, but improperly, with "docket."

Certified Copy — A copy of a document, order or record of the court, or other public office, signed and certified as an exact duplicate by the officer of the court having custody of the original.

Change of Venue — A transfer or removal of a case to a court of another jurisdiction, either because it should have been held there in the first place, or for the convenience of the parties or witnesses, or because a fair trial cannot be had in the original court location. In juvenile matters the case is transferred to the county of residence.

Chief Judge — In all trial courts one judge is selected by the Michigan Supreme Court as chief judge. The chief judge represents the court in its relations with other agencies and the public. In addition the chief judge is the director of the administration of the court.

Child Abuse — Mistreatment of a minor by an adult legally responsible for the minor.

Child Custody — The responsibility to care for and exercise control over a child. Child custody may be awarded incident to a domestic relations proceeding. See Domestic Relations Action.

Child Neglect — The failure of a parent, guardian, or custodian of a minor to provide the minor with proper or necessary support, education, medical care, or physical care; also, the failure to provide a fit home environment for the minor.

Child Protective Proceedings — Proceedings in the family division of the circuit court regarding children under age 18 who are abused or neglected. .

Children's Protective Services ("CPS") — A division in the Office of Children's Services in the Family Independence Agency. Children's Protective Services workers investigate reports of suspected child abuse or neglect. They can also provide services to families in an effort to prevent abuse or neglect.

Circuit Court — The trial court of general jurisdiction in Michigan. The following cases are heard in circuit court: felony trials; civil lawsuits seeking injunctions, equitable relief, or damages in excess of \$25,000; domestic relations matters; adoptions; child protection proceedings; juvenile delinquency proceedings; emancipation of minors; waiver of parental consent to an abortion; personal protection orders; name changes; and, guardianships or conservatorships arising out of protective proceedings, delinquency proceedings, or domestic relations custody cases. Each circuit court has superintending control over the district and probate courts in its circuit. See also Adoption, Conservator, Domestic Relations Action, Child Protective Proceedings, Emancipation, Equity, Family Division of Circuit Court, Felony, Guardian, Injunction, Juvenile Delinquency Proceedings, Personal Protection Order, Superintending Control.

Civil Infraction Sanction — The penalty imposed upon a person found responsible for a civil infraction; such as the assessment of fine and costs, mandatory attendance at a corrective program such as driver's training program, drug or alcohol abuse program.

Code — A grouping of statutes, relating to a particular subject matter and arranged in classified order. Usually created by enactment of a new statute by the legislature embodying all the old statutes relating to the subject and including changes necessitated by court decisions. In some cases, the change would result in a new statutory concept. For examples, see Juvenile Code, Mental Health Code, Michigan Revised Probate Code.

Co-defendant — One who participates in the commission of a crime, other than the person actually doing the act constituting the crime.

Commit — The act of sending a person to a prison, reformatory, mental hospital or other facility, pursuant to a court order.

Complaint — A complaint in a criminal action is a written accusation (under oath or upon affirmation) that a felony, misdemeanor, or ordinance violation has been committed and probable cause exists that the named person is guilty of the offense.

Confession — A statement by person, either oral or written, admitting that he or she committed a certain offense. ."

Contempt of Court — An act or failure to act that violates a court order,

impedes the functioning of the court, or impairs the authority of the court.

Counsel — An attorney/lawyer; one who gives advice, especially legal advice.

Crime-- An act in violation of criminal law: an offense against the State of Michigan

Crime Victims Act- (need statement and fee)

Criminal Law — The statutes that forbid certain actions or conduct as detrimental to the welfare of the state and that provide punishment. Criminal acts are prosecuted by the Prosecuting Attorney.

Cross Examination — The questioning of a witness by the opposing party to test the truthfulness of the witness's testimony, to further develop it or to otherwise expand on it. The defense or prosecution theory of events.

Custodial Parent — The parent having custody of a child. See Child Custody. Custody —

1. Care and control of a thing or person. See also Child Custody.
2. A person who is "in custody" is imprisoned or otherwise physically detained.

Defendant — The person who is charged with a crime.

Defense Attorney — The attorney representing the accused (defendant).

Delinquency Proceedings — See Juvenile Delinquency Proceedings.

Family Independence Agency — See Department of Human Services.

Designated Proceedings — Proceedings in which a juvenile under age 17 is tried in criminal proceedings that occur within the family division of the circuit court. The juvenile is afforded all the legal and procedural protections that an adult would be given if charged with the same offense in a court of general criminal jurisdiction.

Detention — The secure temporary care of a child who requires custody for his or her own welfare or the community's protection pending disposition or trial by the court or execution of an order of the court for placement or commitment.

Dismiss — To terminate further court action on an individual charge, or to terminate an individual from court jurisdiction.

Disposition — Determination of a case, whether by dismissal, plea and sentence, settlement and dismissal, verdict and judgment.

Dispute Resolution-- See Mediation.

Diversion — Programs designed to divert offenders from official processing to a less formal, less adversarial and more community-based setting.

Docket — A written list of all important acts done in court in the conduct of an individual case from beginning to end. This is properly called a "case docket.

This word is often interchanged with "calendar" which is a list of scheduled cases before a judge or referee.

Due Process (of Law) — The fundamental procedural rules that guarantee "fair play" in the conduct of legal proceedings; e.g., the right to notice and a hearing, the right to an impartial judge and jury, the right to present evidence on one's own behalf, the right to confront one's accuser, the right to be represented by counsel, etc.

Evidence — Testimony, documents, physical objects, or other things presented at a trial or court hearing for the purpose of proving or disproving facts relevant to a case.

Ex Parte — Action taken without any parties present for a hearing..

Expunge — To legally void court records — including criminal records — in files, computers or other depositories under the courts jurisdiction.

FAC Case — Stands for "Failure to Answer Citation." When a person fails to answer a traffic citation (ticket) the court concerned notifies the Department of State, which enters this information into its computer system. and the defendant's license is suspended until the FAC is set aside after the case is disposed of, and/or a fee is paid.

Family Division of the Circuit Court — A division of the circuit court devoted to the following proceedings: divorce; paternity; child or spousal support; parenting time; child custody; adoptions; juvenile delinquency; child protective proceedings; name changes; personal protection orders; emancipation of minors; waiver of parental consent to an abortion; and, guardianships or conservatorships for persons under 18 where the matter arises out of a child protective proceeding, delinquency proceeding, or a

domestic relations custody case. See also Adoption, Conservator, Domestic Relations Action, Child Protective Proceedings, Emancipation, Guardian, Juvenile Delinquency Proceedings, Personal Protection Order.

Department of Human Services ("DHS") — The state agency responsible for administering a broad range of social services programs in Michigan, including financial aid to families and elderly persons, foster care services, and adoption services. The Department of Human Services was formerly known as the Family Independence Agency. See also Children's Protective Services.

Father-- 1. a man legally married to the mother at any time from a minor's conception to the minor's birth unless the minor is determined to be a child born out of wedlock.

2. a man who legally adopts the minor

3. a man who was named on a Michigan birth certificate for a minor born after July 20, 1993.

4. a man whose paternity is established in one of the following ways with time limits specified by the court: a) the man and the mother of the minor acknowledge that he is the minor's father by filing an acknowledgment of paternity in the probate court in the county in which the man, mother or minor reside; b) the man acknowledges the minor, without the acknowledgement of the mother, with the approval of the court as provided in MCR 5.921(D)(2)(b); or c) a man who by order of filiation or by judgment of paternity is determined judicially to be the father of the minor.

FCJ Case — Failure to Comply with Judgment imposed for violations that are issued on traffic violations and follows the same procedure as FAC.

Fees — A charge fixed by law for services of public officers or for use of a privilege under government control. A charge or wages for services given to one for the services performed, such as fiduciary or attorney fees.

Felony — A crime punishable by more than a year unless it is specifically stated to be a misdemeanor.

FIA — See Family Independence Agency.

Forensic Center — Center for Forensic Psychiatry operated by the Department of Mental Health. Criminal defendants are often sent there by trial courts to determine if they are competent to stand trial.

Formal Calendar —?????? If it appears that formal jurisdiction is required in juvenile matters, a petition shall be filed. Further hearings shall be scheduled on the "formal calendar".

Foster Home — A licensed home for the temporary board and care of abused

and neglected or delinquent children.

Friend of the Court —

1. The office connected with the family division of the circuit court that investigates and advises the court in domestic relations cases involving minor children. The Friend of the Court Office is also responsible for enforcement of court orders in those cases.
2. The person responsible for directing the Friend of the Court Office.

Grandparenting Time — The time a child spends with a grandparent. A grandparent may seek a court order for grandparenting time under MCL 722.27b.

Group Home — A licensed home for the temporary board and care of abused and neglected or delinquent children.

Guardian —

1. **A person with the legal duty and power to care for the person of another individual who is: a) under age 18; or, b) a legally incapacitated person. . A guardian may be appointed by a court or designated in a will.**

Guardian Ad Litem — Someone appointed by the court during the course of litigation to promote and protect the interests of a person affected by the litigation. Examples:

1. A guardian ad litem may be appointed to protect the interests of a minor.
2. A court sometimes appoints a guardian ad litem to protect the interests of a minor in a domestic relations or juvenile proceeding. .

Guilty — Found beyond a reasonable doubt to have committed a crime.

Hearing — A court proceeding on the record. Hearings are often used to determine issues arising before or after the full trial of a case, and may be less formal than the trial.

Hearsay — Second-hand evidence not arising from personal knowledge of the witness but generally from repetition of what the witness has heard others say.

Inactive Case — A pending case over which the court has no effective control; a case which is filed in the court, but for some reason cannot be processed by the court. Examples: Non appearance for scheduled hearing. .

Informal Hearing — ??????

Innocent — Not found to be guilty; acquitted of a crime.

Jurisdiction — The Circuit Court has jurisdiction over a person who has been properly served with a summons in a pending case, or who has been arraigned in a criminal case. Also refers to a person or entity over whom the court has some right to decide rights and responsibilities.

1. See also **Concurrent Jurisdiction, Waiver of Jurisdiction.**

Jury — A group of persons sworn to consider the evidence presented, to determine issues of fact, and to deliver a verdict in a judicial proceeding.

Jury Instructions — Directions given by the judge to the jury informing the jurors of the law applicable to the case.

Jury Panel — The group of prospective jurors, from which the trial jury of 6 or 12 is chosen.

Juvenile — A minor under the age of 17. See also Minor.

Juvenile Code — The set of laws governing juvenile delinquency proceedings, designated proceedings, and child protective proceedings. and Child Protective Proceedings, Designated Proceedings, Juvenile Delinquency Proceedings.

Juvenile Delinquency Proceedings — Proceedings in the family division of the circuit court regarding a minor under age 17 who has: committed an offense that would be a crime if committed by an adult, including a misdemeanor traffic offense; deserted his or her home; been absent from school; repeatedly violated school rules; or, disobeyed the reasonable and lawful commands of his or her parents..

Larceny — The taking of property with the intent to permanently deprive the owner of its ownership rights.

Law Enforcement Information Network ("LEIN") — A computerized communications system for law enforcement agencies that contains information on such things as personal protection orders, pretrial release conditions in criminal cases, outstanding arrest warrants, driving records, and automobile registration.

Lawyer — See Attorney. .

LEIN Network — See Law Enforcement Information Network.

Life Offense--means one or more of the following offenses allegedly committed by a juvenile in which the prosecuting attorney may authorize the filing of a criminal complaint and warrant instead of proceeding in the juvenile court; (1) assault with intent to commit murder, (2) assault with intent to rob while armed, (3) attempted murder, (4) first-degree murder, (5) second-degree murder, (6) first-degree criminal sexual conduct, (7) armed robbery, or (8) possession of or manufacture, delivery, or possession with intent to manufacture or deliver 650 grams or more of any schedule I or II controlled substance.

MCL — See Michigan Compiled Laws.

MCLA — See Michigan Compiled Laws Annotated.

MCR — See Michigan Court Rules.

Mediation — Generally, a form of alternative dispute resolution in which a neutral third party assists the parties to a dispute in reaching an agreement to settle their differences. The parties are not required to reach agreement, but if they do, the agreement is binding.

Michigan Compiled Laws ("MCL") — A series of volumes containing the official version of Michigan statutes enacted by the state's Legislature, and published by the Legislative Service Bureau.

Michigan Compiled Laws Annotated ("MCLA") — A series of volumes containing the text of all Michigan statutes, plus brief references to cases and legal commentaries discussing these statutes. Published by West Publishing Company, this compilation uses the same numbering system used in the Michigan Compiled Laws.

Michigan Court Rules ("MCR") — Rules adopted by the Michigan Supreme Court to govern Michigan court procedures.

Michigan Statutes Annotated ("MSA") — A series of volumes published by Callaghan & Co., containing the text of all Michigan statutes, plus brief references to cases and legal commentaries discussing these statutes. Although the text of the statutes in these volumes is identical to the text in the Michigan Compiled Laws and Michigan Compiled Laws Annotated, this compilation uses a different numbering system.

Michigan Supreme Court — See Supreme Court.

Minor — In delinquency cases, a minor is someone under age 17. In most other proceedings, a minor is someone under age 18. The Michigan Court Rules also provide that a "minor" may include a person age 18 or older if delinquency or child protective proceedings were commenced in juvenile court prior to the person's 18th birthday and the juvenile court continues to have jurisdiction over the person.

Minor Offense — Minor Offense means a misdemeanor or ordinance violation for which the maximum permissible imprisonment does not exceed 92 days and the maximum permissible fine does not exceed \$500.00.

Miranda Warning — A warning given by police prior to custodial interrogation, advising or informing the individual of his or her rights. For example, the accused has the right to remain silent, the right to an attorney, etc.

Misdemeanor — A violation of Michigan Criminal law which is not a felony, and that is punishable by incarceration in local jails and/or a fine.

Motion — An request to the court for the purpose of obtaining a certain order or decision in favor of the requesting party.

MSA — See Michigan Statutes annotated.

No-Contest Plea — It is a plea treated as a guilty plea except that it is not an admission of guilt, but an indication of readiness to accept conviction and sentence rather than to go to trial. If the defendant were to plead guilty, at the time of the plea he or she tells the court exactly what he or she did; it has to fit the charge. By pleading no-contest, there is no such requirement. If a civil action is pending, or may later be filed against him or her, he or she can thus avoid incriminating testimony.

Non-Custodial Parent — The parent who does not have custody of a child. See Child Custody.

Notice of Hearing — Document notifying a person of the time, date, place, and subject matter of an upcoming court proceeding.

Notification Of Parents, Record Of Notice — Whenever a child is taken into custody by any peace officer, that officer is required to notify the parents of the child.

Oath — A declaration of a statement's truth, which renders one willfully asserting an untrue statement punishable for perjury. See also Affirmation, Perjury, Verification.

Offense — A crime or ordinance violation. The word "offense" generally implies an act infringing public as distinguished from private rights. In respect to minors, an offense is any act which violates provisions of the Juvenile Code and thus places the person committing the act in the jurisdiction of the juvenile court. Does not include civil infractions.

Order — A direction of a court made or entered in writing.

Ordinance — A local law or regulation enacted by a municipal government. It has no effect outside that city or village.

Parenting Time — The time a child spends with a non-custodial parent. Parenting time was formerly referred to as "visitation."

Parent--means a person who is legally responsible for the control and care of the minor, including a mother, father, legal guardian or custodian.

Party — Includes the petitioner, juvenile, parent, or victim in a delinquency or neglect proceeding.

Paternity — Acknowledgement of fatherhood by the father or the court.

Peace Officer — Any public officer or official having authority to arrest to enforce the law and preserve the peace, and generally includes any sheriff or deputy sheriff, any state or municipal police officer, and any state conservation officer. It may also include judges of courts of criminal jurisdiction. Some other public officials (i.e., Mayor) may be designated by law as a peace officer for specific limited purposes.

Perjury — A deliberate lie said under oath.

Permanent Ward — A child who is permanently placed under the care of the court or other guardian because the parents' rights to the child have been permanently terminated by the family division of the circuit court.

Personal Property — Includes material goods that are the subject of ownership but which is not real estate.

Personal Protection Order (PPO) -- An order of the court which is intended to restrain a person's actions and preserve the status quo until a hearing can be held to determine if a temporary injunction should be issued.

Petition-- It is the written instrument used to set forth the allegations (complaint) against a party before the juvenile court.

Plea — The defendant's response to a criminal charge (e.g., guilty, not guilty, or no contest)

Plea-Bargaining — A process of negotiation between the prosecutor and defense counsel that typically involves the prosecutor's agreement to dismiss pending criminal charges against the defendant in exchange for the defendant's plea of guilty to another (usually lesser) offense.

Power of Attorney — A written instrument appointing and authorizing a person who may or not be an attorney to act in the place of another as agent or substitute.

Probable Cause — In criminal cases, reasonable grounds for believing that the facts justify issuance of an arrest or search warrant, or further legal action.

Probation — Allowing a youth adjudicated of an offense to remain in the community instead of being detained in a youth facility as long as the offender fulfills the conditions of the court order. One's court order is usually supervised by a juvenile court officer.

Prosecuting Attorney — A public officer whose duty is the prosecution of criminal proceedings on behalf of the people of the State of Michigan.

Prosecutor — A prosecuting attorney. An elected official in each county; the chief law enforcement officer of each county.

Prosecutorial Waiver — See Waiver of Jurisdiction.

Protective Proceedings — See Child Protective Proceedings.

CPS — An abbreviation for the Children Protective Services unit of the Family Independence Agency.

Recess — A brief time set by the judge when those in court including the jury may be excused from the courtroom.

Record — The word for word (verbatim) account by the official court reporter/recorder of all proceedings at the trial.

Referee — A person who takes testimony, prepares reports, and makes recommendations to the court in domestic relations, juvenile delinquency, designated proceedings involving juveniles, and child protective proceedings.

Referee

A referee is an officer of the court, sworn by a Judge, and trained in legal proceedings to hold various types of hearing. A Non-Attorney Referee may only preside over Preliminary Hearings and Inquiries regarding delinquent and child protective cases, and Arraignments in designation cases. An Attorney Referee may preside over any type of hearing, except a jury trial.

Reporter — A court official responsible for the verbatim record of most court proceedings, including the questions addressed to, and answers made by, witnesses, usually for the purpose of preparing a verbatim transcript.

Report of Investigation-- Means the written report on a juvenile for use at the juvenile dispositional hearing prepared by a worker of the supervising agency.

Residence — The place where one legally resides.

Restitution ?— In juvenile cases, the amount of money that the juvenile is required to pay the crime victim to compensate for damages suffered as a result of the crime.

Restitution? — Money paid to a person who has been injured or has had personal property damaged by the actions of another person.

Sentence — The punishment imposed upon the defendant following a conviction in a criminal proceeding following a designated or waiver case.

Service Of Process — The service of writs, summonses, etc.; signifies the delivering to or leaving of such documents with the party to whom or with whom they ought to be delivered or left; and, when they are so delivered, they are then said to have been served.

Show Cause Hearing — A hearing to respond to allegations that court orders have been violated.

SOS — An abbreviation for the Michigan Department (of the Secretary) of State.

State Wardship-- Care and control of a juvenile for up to the 21st birthday of the juvenile by an institution or agency within or under the supervision of the FIA.

Status Offense — A violation of the juvenile code by a minor that would not be considered a violation of the law if committed by an adult.

Statutes — Laws in the State of Michigan enacted by the State Legislature.

The text of statutes can be found in the Michigan Compiled Laws, Michigan Compiled Laws Annotated or the Michigan Statutes Annotated.

Stipulation — An agreement between opposing attorneys on any matter relating to the proceedings or trial, i.e., to extend the time to answer, to adjourn the trial date, to admit certain facts at the trial, etc. Often requires court approval to be effective.

Subpoena — A writ or order to compel attendance in a court with a penalty for failure to do so.

Summons — A notice given to a party stating that proceedings have been instituted against him or her and directing that the person appear in court at a given date and time to answer the complaint; and further, should he or she fail to answer a judgment may be entered against him or her.

Superintending Control — The constitutional doctrine that the Michigan Supreme Court has general administrative supervision over all the courts of the state. The circuit courts of each county have similar administrative supervisory power over the various lower courts within their jurisdiction.

Support Order — In a domestic relations proceeding, an order for payment of money to meet the ongoing financial needs of a child, spouse, or former spouse. Support may include health care and educational expenses. See also Child Support, Spousal Support.

Temporary Ward — A minor who is under the supervision of the family division of the circuit court whose parents' parental rights have not been terminated.

Ten Percent Bond — A procedure that allows persons to pay to the court ten percent (10%) of the bond otherwise required of them to obtain their release. This procedure reduces the actual monetary amount paid so that most persons can arrange bond without the services of a bondsman or other surety.

Termination Hearing — A hearing held in the family division of the circuit court to determine if the parental rights are to be taken away from the parties involved, and therefore the child will become a permanent ward of the court.

Testimony — The statement of a witness under oath which is given as evidence.

Traditional Waiver — See Waiver of Jurisdiction.

Transcript — The verbatim record of proceedings in a trial or hearing.

Verbatim — The recording of the exact word-for-word proceedings of a trial court, as prepared in transcript format.

Verdict — A decision by a judge or jury on the issues submitted to the court for determination.

Visitation Order — See Parenting Time.

Waive — To give up a right, claim, or privilege.

Waiver — The act of waiving or giving up a right, privilege, or claim.

Witness — One who testifies to what he or she has seen, heard or otherwise observed.

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