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Glossary of Terms

Abuse and Neglect	A child whose health or welfare is harmed or threatened with harm when a parent, guardian, or person in a position of trust inflicts or allows to be inflicted upon the child physical or emotional injury, fails or refuses to provide essential care and protection for the child, or commits or allows to be committed an act of sexual abuse, exploitation, or prostitution upon the child.
Affidavit	A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths.
Agister's Lien	A lien on goods, chattels, or animals for the reasonable charges for work or services performed or feed provided is possessory and a person must have possession of the article to assert such a statutory lien.
Appeal	A proceeding undertaken to have a decision reconsidered by a higher authority; esp., the submission of a lower court's or agency's decision to a higher court for review and possible reversal.
Arbitration	A method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding.
Attachment	The seizing of a person's property to secure a judgment or to be sold in satisfaction of a judgment.
Bail Jumping	The criminal offense of failing to appear in court after having been released on bail.
Bankruptcy	A statutory procedure by which a (usually insolvent) debtor obtains financial relief and undergoes a judicially supervised reorganization or liquidation of the debtor's assets for the benefit of creditors; a case under the Bankruptcy Code.
Bond	<p>A written promise to pay or do some act if certain circumstances occur or a certain time elapses.</p> <p>Bail Bond: A bond given to a court by a criminal defendant's surety to guarantee that the defendant will duly appear in court in the future and, if the defendant is jailed, to obtain the defendant's release from confinement. Also known as an Appearance Bond.</p> <p>Cash Bond: A bond in which the full amount of the bond is deposited in your office either by the defendant or surety. RCr 4.00(b).</p>

GLOSSARY OF TERMS

Partially Secured Bond: A bond which requires a deposit of less than the full amount of the bond. The exact percentage depends on the judge's order, and may be as little as 10% of the amount of the bond. The designated percentage is paid to your office by the defendant or surety at the time of release of the defendant. In the event of forfeiture for nonappearance, the defendant or the surety is liable for the full amount of the bond. RCr 4.00(b).

Property Bond: A bond in which the defendant or surety pledges real property, located in Kentucky, instead of cash to guarantee the defendant's appearance.

Replevin Bond: A bond given by a plaintiff to replevy or attach property in the defendant's possession before judgment is rendered in a replevin action.

The bond protects the attaching officer and ensures the property's safekeeping until the court decides whether it should be returned to the defendant.

Supersedas Bond: A bond to stay enforcement of judgment pending appeal. CR 73.04.

Surety Bond: A bond given by a surety to ensure the timely performance of a contract.

Unsecured Bond: A promise by the defendant or surety to pay the designated amount upon a failure to appear when ordered by the court to do so or upon a breach of a material condition of release, not secured by any deposit of or lien upon property. RCr 4.00(h).

Brief	A written statement setting out the legal contentions of a party in litigation, esp. on appeal; a document prepared by counsel as the basis for arguing a case, consisting of legal and factual arguments and the authorities in support of them.
CASA	Court Appointed Special Advocate
Complaint	The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim, and the demand for relief.
Condemnation Proceeding	The determination and declaration that certain property (esp. land) is assigned to public use, subject to reasonable compensation; the exercise of eminent domain by a governmental entity.
Conservator	A guardian, protector, or preserver.
Contempt	Conduct that defies the authority or dignity of a court or legislature.

GLOSSARY OF TERMS

	<p>Civil Contempt: The failure to obey a court order that was issued for another party's benefit.</p> <p>Criminal Contempt: An act that obstructs justice or attacks the integrity of the court.</p>
Counterclaim	A claim for relief asserted against an opposing party after an original claim has been made; esp., a defendant's claim in opposition to or as a setoff against the plaintiff's claim.
Court Appearance Citation	A police-issued order to appear before a judge on a given date to defend against a stated charge. The defendant must appear and cannot prepay any fine or fees.
Creditor	One to whom a debt is owed; one who gives credit for money or goods.
Cross Claim	A claim asserted between codefendants or co-plaintiffs in a case and that relates to the subject of the original claim or counterclaim.
Custodian	A person or institution that has charge or custody (of a child, property, papers, or other valuables).
Dating Violence and Abuse	Physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault occurring between persons who are or have been in a dating relationship.
Debtor	One who owes an obligation to another, esp. an obligation to pay money.
Defendant	A person sued in a civil proceeding or accused in a criminal proceeding.
Deferred Prosecution	A defendant charged with his or her first or second offense under KRS 218A.1415 may enter a deferred prosecution program for a maximum of 2 years. Successful completion results in charges being dismissed and sealed.
Dependency	A child, other than an abused or neglected child, who is under improper care, custody, control or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child.
Deposition	A witness's out-of-court testimony that is reduced to writing (usually by a court reporter) for later use in court or for discovery purposes.
Disability Proceeding	Legal proceedings involving the inability of an individual to perform some function due to an objectively measurable condition of impairment, physical or mental.
Dispense with Administration	Allows certain individuals to ask the court to direct transfer of estate assets without the need for further court proceedings.
Domestic Relations Commissioner	An officer appointed by the court to hear family and juvenile issues.
Domestic Violence	Domestic violence includes physical injury, serious physical injury, sexual abuse, assault, or fear thereof between family members or members of an unmarried couple. KRS 403.715, 403.720.
Domestic Violence Order	A long term order issued by a judge to offer protection from domestic violence.

GLOSSARY OF TERMS

Emergency Custody Order	Emergency order entered for the removal of a child when is in imminent danger per KRS 620.020.
Emergency Protective Order	A temporary protective order granted on an expedited basis, usually after an ex parte hearing (without notice to the other side), most commonly to provide injunctive relief from an abuser in a domestic-violence case; esp., a short-term restraining order that is issued at the request of a law-enforcement officer in response to a domestic-violence complaint from a victim who is in immediate danger.
Execution/Writ of Execution	A court order directing a sheriff or other officer to enforce a judgment, usually by seizing and selling the judgment debtor's property.
Expungement	The removal of a charge or conviction (esp. for a first offense) from a person's criminal record.
Felony	A serious crime usually punishable by imprisonment for more than one year or by death.
Fiduciary	Any person, association, or corporation meeting the requirements of KRS 395.005 (other than assignee or trustee for an insolvent debtor or a guardian under the Uniform Veteran's Guardianship Act) appointed by, or under the control of, or accountable to, the District Court, including executors, administrators, administrators with the will annexed, curators, guardians, and conservators; and does not include testamentary trustees.
Final Settlement	A court order discharging an executor's duties after an estate's execution.
Forcible Detainer	Forcible detainer is an action by the landlord who claims that the tenant refuses to move.
Forcible Entry	Forcible entry is an action by the tenant who claims that the landlord has entered the premises unlawfully.
Foreign Judgment	A decree, judgment, or order of a court in a state, country, or judicial system different from that where the judgment or its effect is at issue.
Foreign Protective Order	A protective order of a court in a state, country, or judicial system different from that where the judgment or its effect is at issue.
Foreign Subpoena	Subpoena of a court in a state, country, or judicial system different from that where the judgment or its effect is at issue.
Garnishment	Garnishment is a special kind of execution by which property of the judgment debtor in the hands of a third party may be reached, including (but not limited to) wages in the hands of his/her employer.
Grand Jury	A body of 12 people who are chosen to sit permanently for at least a month — and sometimes a year — and who, in ex parte proceedings, decide whether to issue indictments.

GLOSSARY OF TERMS

Guaranteed Arrest Bond Certificate	Guaranteed Arrest Bond Certificate (RCr 4.18) is a printed card issued by the American Automobile Association (or similar organization) guaranteeing the appearance of its members on most motor vehicle violations. RCr 4.18(2).
Guardian	One who has the legal authority and duty to care for another's person or property, esp. because of the other's infancy, incapacity, or disability.
Guardian Ad Litem	A lawyer, appointed by the court to appear in a lawsuit on behalf of an incompetent or minor party.
In Forma Pauperis	In the manner of an indigent who is permitted to disregard filing fees and court costs (when suing, a poor person is generally entitled to proceed <i>in forma pauperis</i>).
Indictment	The formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person.
Indigency	The state or condition of a person who lacks the means of subsistence; extreme hardship or neediness; poverty. For purposes of the Sixth Amendment right to appointed counsel, <i>indigency</i> refers to a defendant's inability to afford an attorney.
Informal Settlement	Settlement accepted when each heir has signed a notarized waiver stating he/she has received his/her share of the estate and waives requirements of a formal accounting and settlement.
Information	A formal criminal charge made by a prosecutor without a grand-jury indictment.
Interpersonal Protective Order	Order issued for temporary or "ordinary" interpersonal order of protection for dating violence and abuse, stalking, or sexual assault.
Inventory	A detailed list of assets; esp., an executor's or administrator's detailed list of the probate-estate assets (make an inventory of the estate). The term also sometimes denotes a divorcing spouse's detailed list of all his or her marital and separate assets and liabilities.
Involuntary Admission	Involuntary admission proceedings include the admission of an individual with an intellectual disability. KRS 202B.010.
Involuntary Hospitalization	Involuntary hospitalization proceedings include the hospitalization of adults diagnosed with a mental illness. KRS 202A.012. For mental health procedures involving juveniles, follow procedures outlined in the Juvenile Mental Health section.

GLOSSARY OF TERMS

Involuntary Treatment	Involuntary treatment proceedings include proceedings for 60/360 days of treatment for an individual, including juveniles, suffering from alcohol or other drug abuse. KRS Chapter 222.
Jail Credit	Time spent by a criminal defendant in confinement while awaiting trial. This time is usually deducted from the defendant's final sentence (if convicted).
Judgment	A court's final determination of the rights and obligations of the parties in a case. The term <i>judgment</i> includes an equitable decree and any order from which an appeal lies.
Jury	A group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them.
Living Trust	A trust that is created and takes effect during the settlor's lifetime.
Misdemeanor	A crime that is less serious than a felony and is usually punishable by fine, penalty, forfeiture, or confinement (usually for a brief term) in a place other than prison (such as a county jail).
Motion	A written or oral application requesting a court to make a specified ruling or order.
Motion to Quash	A party's request that the court nullify process or an act instituted by the other party, as in seeking to nullify a subpoena.
Non Wage Garnishment	A special kind of execution by which property of the judgment debtor in the hands of a third party may be reached, excluding wages.
Notary Public	A person authorized by a state to administer oaths, certify documents, attest to the authenticity of signatures, and perform official acts in commercial matters, such as protesting negotiable instruments.
Notice of Entry	A notice of entry of judgment is written notice that judgment has been entered. See Notice of Entry.
Nunc Pro Tunc	[Latin "now for then"] Having retroactive legal effect through a court's inherent power (the court entered a <i>nunc pro tunc</i> order to correct a clerical error in the record).
Oath	A solemn declaration, accompanied by a swearing to God or a revered person or thing, that one's statement is true or that one will be bound to a promise.
Oral Trust	A trust created by the settlor's spoken statements as opposed to a written agreement.
Paternity	The state or condition of being a father, esp. a biological one; fatherhood.
Periodic Settlement	Settlement filed with the court when the settling of the estate requires more than two years.

GLOSSARY OF TERMS

Petition	A formal written request presented to a court or other official body.
Petitioner	A party who presents a petition to a court or other official body, esp. when seeking relief on appeal.
Plaintiff	The party who brings a civil suit in a court of law.
Plea	An accused person's formal response of "guilty," "not guilty," or "no contest" to a criminal charge.
Pleading	A formal document in which a party to a legal proceeding (esp. a civil lawsuit) sets forth or responds to allegations, claims, denials, or defenses.
Pre-payable Citation	A police-issued order to appear before a judge on a given date to defend against a stated charge. Defendant may prepay prior to the court date any fine and/or fees.
Probate	The judicial procedure by which a testamentary document is established to be a valid will; the proving of a will to the satisfaction of the court.
Respondent	The party against whom a motion or petition is filed.
ROR	Release on personal recognizance (known as ROR or OR): the defendant's written promise to appear. RCr 4.00(f), RCr 4.10.
Service of Process	The formal delivery of a writ, summons, or other legal process after three attempts, service still had not been accomplished.
Status Offense	A child accused of committing acts which, if committed by an adult, would not be a crime. Includes noncriminal forms of juvenile behavior, such as running away from home, skipping class, tobacco offenses or exhibiting beyond-control behaviors at home or at school.
Stocks and Bonds	Stocks and Bonds as security is a bond in which the defendant or surety deposits these securities instead of cash to guarantee the defendant's appearance. RCr 4.04(1)(d)(iv).
Structured Settlement	A settlement in which the defendant agrees to pay periodic sums to the plaintiff for a specified time.
Subpoena	A writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.
Subpoena Duces Tecum	A subpoena ordering the witness to appear in court and to bring specified documents, records, or things.
Summons	A writ or process commencing the plaintiff's action and requiring the defendant to appear and answer. A notice requiring a person to appear in court as a juror or witness.
Surety	A person who is primarily liable for paying another's debt or performing another's obligation.
Temporary Injunction	A temporary injunction issued before or during trial to prevent an irreparable injury from occurring before the court has a chance to decide the case.
Temporary Restraining Order	A court order prohibiting family violence; esp., an order restricting a person from harassing, threatening, and sometimes merely contacting or approaching another specified person.

GLOSSARY OF TERMS

Testamentary Trust	A trust that is created by a will and takes effect when the settlor (testator) dies.
Third Party Complaint	A complaint filed by the defendant against a third party, alleging that the third party may be liable for some or all of the damages that the plaintiff is trying to recover from the defendant.
Tickler System	Calendaring system used to remind the court that some action is needed or due the court.
Trust	The right, enforceable solely in equity, to the beneficial enjoyment of property to which another person holds the legal title; a property interest held by one person (the <i>trustee</i>) at the request of another (the <i>settlor</i>) for the benefit of a third party (the <i>beneficiary</i>).
Trustee	One who stands in a fiduciary or confidential relation to another; esp., one who, having legal title to property, holds it in trust for the benefit of another and owes a fiduciary duty to that beneficiary.
Venue	The proper or a possible place for a lawsuit to proceed, usually because the place has some connection either with the events that gave rise to the lawsuit or with the plaintiff or defendant.
Violation	An infraction or breach of the law; a transgression.
Warning Order Attorney	An attorney appointed to provide constructive service when a plaintiff or attorney files a complaint/affidavit showing that the defendant cannot be served with a summons. CR 4.06(1).
Warrant for Possession	A warrant obtained by a landlord in a forcible detainer action that is posted on a tenant's property along with a date that the sheriff may forcibly remove the tenant.
Writ of Habeas Corpus	Latin for "you have the body." Habeas Corpus is a writ of inquiry designed to affect the speedy release of a person illegally deprived of his liberty. The writ is commonly used when a person is seeking to be released on bail or when a prisoner is challenging extradition or detainer proceedings.
Writ of Mandamus	A writ of mandamus is an original action in circuit court directing a district judge or other party to perform an act.
Writ of Possession	A writ of possession is an attachment that reaches specific personal property which is the subject of the suit. KRS 425.011.
Writ of Prohibition	A writ of prohibition is an original action in circuit court directing a district judge or other party not to perform an act.
Youthful/Public Offender	A child who is accused of committing a felony, misdemeanor, or violation which, if committed by an adult, would be a crime.