

Online Dispute Resolution

Glossary of Legal Terms

***Disclaimer:** Please be aware that this information does not include instructions or legal advice regarding your rights, responsibilities, and legal options. To be fully informed and get answers to your questions, you should seek the advice of an attorney.*

Legal Terms

Affidavit of Income and Expense	A written statement confirmed by oath or affirmation that identifies each party's income and expenses.
Affidavit of Property and Debt	A written statement confirmed by oath or affirmation that identifies each party's property and debts, the property and debts of the spouse, any joint property and debts, and any bankruptcy information.
Agreed Entry	An agreed entry is a written agreement submitted by the parties resolving the issues between them. It becomes a court order if it is approved by the court.
Allocation of Parental Rights and Responsibilities	Is a court or agreed determination of the living arrangements for minor children and responsibilities of the parents to the children.
Answer	An Answer is a response to the Complaint for Divorce. The Answer admits or denies the complaint allegations and may make claims against the other party.
Antenuptial Agreement or Pre-Nuptial Agreement	Is an agreement that is entered prior to a marriage that states how property shall be distributed upon death or termination of the marriage.
Appeal	Is a process where a higher court reviews the final judgment of a lower court. The appeals court will either affirm (approve), modify, remand (send back), or reverse a lower court's order or judgment.
Applicable Law	All the provisions of the agreement shall be construed and enforced in accordance with the laws of the State of Ohio.
Arrearage	Arrearage is money that is owed by one party to another party for past due child support or spousal support.
Business Interests	Business interests includes any ownership interest in any business.
Child Support	Child Support is an obligation of regular payments from one parent to the other parent to help share in the costs of raising the minor children.
Child Support Enforcement Agency (CSEA)	A Child Support Enforcement Agency is the county office that collects and processes child support payments.
Cohabitation	Means living together as (as if in a marital relationship) which may terminate a spousal support award.
Complaint	The complaint is an initial pleading filed with a court to start the divorce or other legal matter. In a Dissolution, this document is called a Petition.

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Contested Case	A contested case is any matter in which the court must decide one or more issues on which the parties have not agreed.
Continuance	A continuance is a request from a party to postpone a hearing. Good cause must be shown for a continuance.
Continuing Jurisdiction	Continuing jurisdiction means the court maintains the power to enforce the provisions in the Divorce or Dissolution Decree after a final judgment.
Court Order	A court order is a written document filed with the court which is the directive of a Judge or Magistrate. Failure to follow a court order may result in a finding of contempt.
Custody	Custody is the legal rights and responsibilities that the court awards to a person for the care, possession and rearing of a child. In cases involving two (2) parents, the preferred term is now allocation of parental rights and responsibilities.
Day Care Access Notice	In accordance with Ohio Revised Code (O.R.C.) section 5104.11, the parent who is not the residential parent is entitled to access any day care center that is or will be attended by the child(ren). This provision is standard unless the court finds that it is not appropriate.
Debts	Debt is any amount owed to a creditor, including but not limited to credit card debt, medical bills, student loans, tax obligations, and 401(k) or insurance loans.
Decree	A Decree is a final judgment or pronouncement of the court. A Decree of Dissolution or Divorce must be entered into the court journal before the marriage is officially ended.
Defendant (can also be referred to on platform as Petitioner 2)	A person against whom relief or recovery is sought. If a Petition for Dissolution has been filed, Petitioner 1 and Petitioner 2 are jointly requesting a dissolution of marriage.
Discovery	Discovery is a process where the parties exchange information relevant to the issues in the case.
Dissolution	Dissolution is a legal process to end a marriage where the parties have reached a full agreement on all matters to settle all issues. No fault is found.
Divorce	Divorce is a legal process to end a marriage where all matters are not settled before filing. Divorce is granted to one or both parties on specific grounds.
Duration of Marriage	Duration of Marriage is the period of time from the date of the marriage through either the separation or the final hearing.
Equitable Distribution of Property	Equitable distribution of property is the Ohio standard in which the court divides the property fairly, not necessarily equally.
Financial Accounts	Financial accounts include, but are not limited to, checking, savings, certificates of deposit, money market accounts, medical or health savings accounts, education or college saving plans (for example, 529 Plan), and trusts.

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Financial Disclosure Affidavit	A written statement confirmed by oath or affirmation that identifies each party's property, debt, taxes, income, and expenses.
Grounds	Grounds are the basis for the action alleged in court. Incompatibility, gross neglect of duty, living separate and apart for more than one year without cohabitation are the most commonly used grounds for divorce.
Guardian ad Litem	Is an attorney, or other professional, appointed by the court to represent the best interest of the children.
Health Insurance Affidavit	A written statement confirmed by oath and affirmation that states whether or not the children are currently covered by a health insurance plan, and if they are, who provides this health insurance.
Hearing/Trial	A hearing or trial is the presentation of evidence or legal arguments to the Judge or Magistrate for the court to make a decision concerning the issues.
Hold Harmless	Hold Harmless is a determination where one party assumes the potential liability for property or a debt.
Holiday Parenting time	Holiday parenting time establishes when the children shall be with each parent during a specific holiday.
Household Goods and Personal Property	Household goods and personal property include, but are not limited to, pets, appliances, electronics, tools, air conditioner window units, doghouses, lawn mowers, above-ground pools, safety deposit boxes, jewelry, furniture, firearms, silverware, collections, china, and books.
Incorporation into Judgment Entry	If one or both of the parties institute or have instituted proceedings for dissolution, divorce, or separation, the Agreement reached shall be presented to the court with the request that it be approved and incorporated into a Judgment Entry.
Journalized	A court's order has been journalized when that decision has been filed into the court's docket and becomes the order of the court.
Judge	A Judge is an elected official who presides over the case and makes decisions.
Jurisdiction	Jurisdiction is the limit of the geographic area over which a court has authority.
Legal Separation	Legal Separation does not end a marriage. The parties remain married; but live separately. In a Legal Separation, the court can make orders about property division, debt allocation, spousal support, and allocation of parental rights and responsibilities.
Life Insurance	A party may be required to maintain a life insurance policy naming the other parent, the children, or a trust for the children as a beneficiary.
Life Insurance policy	A Life insurance policy with a cash value is an asset that may be addressed in a divorce or dissolution.

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Liquid Assets	Liquid assets are property which can be converted into cash, such as stocks, bonds, or bank accounts.
Magistrate	A Magistrate is a court-appointed lawyer who is given authority under Ohio law to hear cases, examine evidence and make decisions.
Marital Property	Property acquired by the parties during the marriage, regardless of whose name it is titled, is generally considered marital property and subject to equitable division in a divorce or dissolution.
Mediation	Mediation is a confidential process where a neutral third party (the mediator) assists parties in developing their own agreement.
Motion	A motion is a request to the court, usually in writing, for some type of relief.
Mutual Release	A mutual release clause releases the parties from any future actions or claims related to things that were, or could have been, addressed in the divorce or dissolution.
Objections	Objections are written disagreements with a Magistrate's Decision that must be filed within 14 days of the decision.
Obligor/Obligee	Obligor and obligee are terms used to describe court-ordered responsibilities for payments. The Obligor is the person who pays, and the obligee is the person who receives the payment.
Parenting Plan	A Parenting Plan includes provisions covering all factors relevant to the care of the children, including, but not limited to, decision making, physical living arrangements, financial responsibilities, school placement, and provisions for the children's medical and dental care, where one parent is designated as the sole residential parent and legal custodian of the parties' minor child(ren).
Parenting Time Schedule	A parenting time schedule establishes when the children are with each parent. For further information on parenting time, please see the Planning for Parenting Time guidebook that can be accessed here .
Plaintiff (can also be referred to on platform as Petitioner 1)	The person who files the court case.
Real Estate	Real estate includes, but is not limited to, houses, condominiums, time shares and vacant land. Subject to Ohio Revised Code (O.R.C.) sections 3125.16 and 3319.321(F), the parent who is not the residential parent is entitled to access any record related to the child(ren). Any keeper of a record who knowingly fails to comply with any record access order is in contempt of court.
Records Access Notice	This provision is standard unless the court finds that it is not appropriate.

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Relocation Notice	<p>If the either parent intends to move to a residence other than the residence specified in this Plan, the parent shall file a notice of intent to relocate and provide the court and the other parent with a new address. Except as provided in O.R.C. section (G)(2), (3), and (4), the court shall send a copy of the notice to the other parent. Upon receipt of the Notice, the court, on its own motion or the motion of the non-relocating parent may schedule a hearing to determine whether it is in the best interests of the child(ren) to revise the Parenting Time Schedule for the child(ren).</p> <p>This provision is standard unless the court finds that it is not appropriate.</p>
Retirement Plans	<p>Retirement plans include but are not limited to: profit-sharing, pensions, deferred compensation, IRA's, 401 (k) plans, or any other type of retirement plan.</p>
School Activities Access Notice	<p>Subject to Ohio Revised Code (O.R.C.) section 3319.321(F), the parent who is not the residential parent (<i>applies to Parenting Plan only</i>) is entitled to access any student activity that is related to the child(ren). Any school employee or official who knowingly fails to comply with this school activities access order is in contempt of court.</p> <p>This provision is standard unless the court finds that it is not appropriate.</p>
Secured Debt	<p>Secured debt is a liability where a debtor pledges a specific asset to ensure the payment to the creditor if the debtor fails to repay the obligation.</p>
Separate Property	<p>Separate property remains with one party and is not subject to equitable distribution in a divorce or dissolution. Separate property generally includes property that was acquired by one spouse prior to the marriage, inheritances, gifts given to only one spouse, and personal injury compensation. In a contested case, the court decides if property is separate or marital.</p>
Separation Agreement	<p>Written arrangements concerning the allocation of parental rights and responsibilities, spousal support and property division made by a married couple who are usually about to get a divorce, dissolution, or legal separation.</p>
Shared Parenting	<p>Shared Parenting is a legal designation that both parents are legal custodians of the children and share in decision making, physical care and financial support of the children as provided in their Shared Parenting Plan.</p>
Shared Parenting Plan Sole Residential Parenting	<p>A Shared Parenting Plan includes provisions covering all factors relevant to the care of the children, including, but not limited to, decision making, physical living arrangements, financial responsibilities, school placement, and provisions for the children's medical and dental care.</p>
Sole Residential Parenting	<p>A court order designating one parent as the residential parent and legal custodian of the children and allocating all other</p>

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	parental rights and responsibilities between the parents. Unless otherwise provided by the court, the residential parent and legal custodian is the sole decision maker for the children.
Spousal Support	Spousal support payments are paid by a party to a spouse of former spouse, or a third party for the benefit of a spouse or former spouse, for support of the spouse or former spouse. Spousal support orders must specify whether the court has or does not have authority to modify the spousal support order in the future.
Transportation	Parenting Plans shall specify transportation responsibilities of the parents for parenting time exchanges.
Unsecured Debt	Unsecured debt is a legal obligation that is not secured with any collateral property.
Vehicles	Vehicles include, but are not limited to, automobiles, sport utility vehicles, trucks, motorcycles, boats, and recreational vehicles.