

# Definitions

Welcome to the Wisconsin Legal Terms Glossary! This guide provides clear definitions of common legal terms you might encounter in the state's legal system. Whether you're a student, a curious citizen, or someone navigating a legal issue, this glossary aims to simplify complex language and help you understand the basics of Wisconsin law. Each term is explained in easy-to-understand language, making legal concepts more accessible for everyone.

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## A

**ABATEMENT:** Making something smaller or getting rid of something.

**ACTION:** A lawsuit brought in a state or federal court. Also called a "case". It usually involves one person (the plaintiff) asking the court to solve a problem or resolve a disagreement with another person (the defendant). This can include things like suing for money, asking for a court order, or trying to defend against a claim. Basically, it's how people use the legal system to seek justice or settle disputes.

**ACCREDITED:** A school, program, or company has been officially checked and approved by a trusted group or organization. This shows it meets certain quality standards and can be trusted to do a good job.

**ACCUSED:** A person formally charged but not yet tried for committing a crime.

**ACQUITTAL:** A legal judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he/she has been charged or tried.

**ACTUAL DAMAGES:** See "Compensatory Damages"

**ADVANCE DIRECTIVES:** Legal documents that allow a person to express their wishes about medical care in case they become unable to make decisions for themselves. These documents can include instructions on what treatments they want or don't want and can appoint someone to make healthcare decisions for them. This way, doctors and family members know what the person wants, even if they can't communicate it later.

**ADJOURN:** To delay a hearing until another time.

**ADJUDICATION:**

- Verb - To make an official decision about who is right in a dispute.
- Noun - A legal ruling or judgment.

**ADMISSABLE EVIDENCE:** Evidence that can be legally and properly introduced in a civil or criminal trial.

**ADMONISH:** To warn or caution. For example, a court may caution or admonish counsel for wrong practices.

**ADVERSARY:** A person or group that is on the opposite side in a dispute or case. For example, in a court case, the plaintiff (the person bringing the case) and the defendant (the person being accused) are adversaries because they have opposing interests. Each side tries to prove their point and support their case against the other. In simple terms, an adversary is just someone you are in conflict with in a legal situation.

**ADVERSARY SYSTEM:** The trial method used in the U.S. and some other countries. This system is based on the belief that truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries. All this is done under the established rules of procedure before an impartial judge and/or jury.

**AFFIANT:** A person who makes and signs an affidavit.

**AFFIDAVIT:** An "affidavit" is a sworn statement. The person must swear to the truth of the information in the statement and sign the document in front of a notary public. Affidavits should only contain information the person knows to be true from firsthand experience. They should not contain opinions or conclusions.

**ALIMONY:** See "Maintenance"

**ALLEGATION:** An accusation that the defendant has done something wrong, which the plaintiff claims will be proven in the lawsuit.

**ALTERNATIVE DISPUTE RESOLUTION (ADR):** A way to solve problems or disagreements without going to court. Instead of having a judge decide what happens, people can settle disputes using methods like mediation, arbitration, and conciliation, among others. ADR can be faster, cheaper, and less stressful than a

court trial.

**AMORTIZATION:** Paying off a loan through regular payments over time. An amortization schedule for your car loan shows how much you still owe and how long it will take to finish paying it off.

**ANNULMENT:** A legal way to end a marriage, making it as if the marriage never happened. Unlike divorce, which ends a valid marriage, an annulment states that the marriage was not legal from the beginning. This can happen for several reasons, like if one person didn't agree to the marriage, if they were not old enough, or if they were already married to someone else. In simple terms, an annulment erases the marriage completely.

**ANSWER:** The defendant's response to the plaintiff's allegations.

**APPEAL:** A request made by a party to a case that a decision of the court be reviewed by a higher court for error.

**APPELLANT:** A person or group who appeals or challenges a court's decision by asking a higher court to review the decision. This usually happens when they believe the lower court made a mistake in the case. The appellant wants the higher court to change the decision or rule in their favor.

**ARREAR:** Money that is owed and has not been paid on time. For example, if someone misses a payment, the amount they owe is called arrears.

**ARBITRATION:** A neutral person listens to both sides at a hearing and then makes a decision that everyone has agreed to follow.

**ARREARAGES:** Unpaid support or maintenance that is still owed.

**ASSETS:** Assets are things that a person or business owns that have value. This can include money, property, vehicles, or investments. In civil cases, knowing about someone's assets is important, especially when deciding how to settle a dispute or if money is owed. Assets help show what a person has that can be used to pay debts or fulfill legal obligations.

**ATTACHMENT:** A way for a creditor to legally take things a debtor owns in order to pay back a judgment or debt.

**ATTORNEY:** A lawyer.

## **B**

**BANKRUPTCY:** A federal court process that helps people or businesses that can't pay their debts. Debtors may be released or "discharged" from their debts, or pay a portion of each debt under a debtors plan.

**BENCH TRIAL:** Trial without a jury in which a judge decides the facts and outcome.

**BEST INTERESTS OF THE CHILD:** A standard used in family law to make decisions impacting a child in matters of adoption, child custody, guardianship and visitation, among other issues. It is a subjective, discretionary test in which all circumstances

affecting the child are taken into account.

**BENEFICIARY:** Someone named to receive property or benefits in a will. In a trust, a person who is to get benefits from the trust.

**BEQUEST:** To give a gift to someone through a will to take effect upon death.

**BEQUESTS:** Gifts made in a will.

**BREACH OF CONTRACT:** A breach of contract is when one person or group doesn't follow the terms of an agreement they made with someone else. This could mean they didn't do what they promised, did it poorly, or didn't do it on time. When a breach happens, the other person may have the right to take legal action to fix the problem or get compensated for any losses.

**BURDEN OF PROOF:** In every lawsuit, one side or the other, depending upon the issue, has the burden of proof. The party with the burden as to a specific issue must prove to the decision-maker (judge or jury) that the party's position is correct. The adversary may offer evidence against the position, but doesn't need to do so. Burden of proof deals with which side must establish a point or points; "standard of proof" indicates the degree to which the point must be proven. For example, in a civil case, the burden of proof rests with the plaintiff, who must establish his or her case by such standards of proof as a "preponderance of evidence" or "clear, satisfactory and convincing evidence."

## C

**CAPTION:** The heading on a legal document listing the parties, the court, the case number, and related information.

**CASE LAW:** Law established by previous decisions of higher courts, particularly the Supreme Court and Court of Appeals.

**CAUSE OF ACTION:** The grounds (such as violation of a right) that entitle a plaintiff to bring a suit.

**CAVEAT (kav'-ee-aht):** A warning; a note of caution.

**CHILD IN NEED OF PROTECTION AND SERVICES (CHIPS):** The legal proceeding available to people under age 18 who have been victims of parental/caregiver abuse, neglect, or abandonment; the proceeding provides services to the family to ensure child safety.

**CHILD SUPPORT:** Court-ordered payments for the support of a child.

**CIRCUIT COURT:** The county court where a case starts; the Court that decides the facts and law in the case; sometimes referred to as the “trial court.”

**CITATION:** A reference to legal authority, which includes cases that have already been decided by a Court (“case law”), statutes, or the state or federal constitution.

**CIVIL CASE:** Noncriminal cases. A civil case is where individuals, groups of individuals, or companies (called parties or litigants) are in conflict and ask the court

to resolve that conflict. Civil cases can involve disputes over contracts, automobile accidents, injuries, divorce, child custody, and many other issues.

**CLERK OF COURTS:** The clerk of courts is an official in a courthouse who helps keep everything organized. They manage court records, file important documents, and assist judges and lawyers. If you need information about a case or want to file papers, the clerk of courts is the person to go to for help.

**COLLATERAL:** Something of value that a borrower gives to a lender as a backup to ensure they will pay back a loan. If the borrower doesn't repay the loan, the lender can keep or take the collateral. Collateral is often used in agreements to show that the borrower is serious about paying what they owe. It helps protect the lender's interests.

**COMMISSIONER:** A lawyer appointed by the county judges who does many of the same things as a judge. May oversee hearings and make findings. Normally limited to specific issues or topics.

**COMPENSATORY DAMAGES:** Money awarded in a court case to a plaintiff to reimburse them for the loss they have suffered. Also called "actual damages".

- *Economic compensatory damages, or "special damages,"* include:
  - Lost wages & future lost wages
  - Property damage
  - Medical bills & future medical bills
  - Funeral and burial expenses
- *Noneconomic compensatory damages, or "general damages,"* include:
  - Pain and suffering
  - Inconvenience
  - Emotional distress
  - Loss of consortium
  - Long-term physical pain and suffering

- Loss of enjoyment of life
- Disfigurement

**COMPLAINANT:** The party who complains or sues. Also called the plaintiff. The other party is the "respondent" or "defendant."

**COMPLAINT:** The legal document, along with a summons, that usually begins a civil lawsuit. It states the facts and identifies the action the court is asked to take.

**CONCILIATION:** A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions. Conciliation is similar to mediation, but it may be less formal.

**CONSERVATORSHIP:** Conservatorship is a relationship created by a court between an individual (called a "conservatee") and an individual or organization (called the "conservator") who the court authorizes to make financial decisions on behalf of the conservatee. Unlike guardianship, the appointment of the conservator is done at the request of the conservatee and there is no finding of incompetence.

**CONSULTATIVE EXAMINATIONS:** These are medical examinations that Social Security Disability and SSI claimants are sometimes sent to in the course of processing a claim for disability benefits. In cases where a claimant's medical records are "thin" (there is not enough evidence) or where a claimant has not been seen by a doctor for a considerable amount of time, the DDS claims examiner will generally schedule a consultative exam.

**CONTEMPT OF COURT:** Disobeying a court order, which can result in a fine or jail time.

**COURT COSTS:** Court costs are the fees that come with using a court to handle a case, other than attorneys' fees. If you can't afford court costs, you may be able to have them waived. Often, the party that loses a lawsuit is ordered to pay the court costs of the party that wins the lawsuit. These costs can include:

- Filing fees: The initial fee to start a case
- Witness fees: The cost to pay a witness to testify in court
- Service fees: The cost to deliver papers to the other party in the case
- Mediation fees: The cost to have a mediator help parties in a family law case reach an agreement
- Transcription fees: The cost to have a court reporter transcribe testimony or depositions
- Photocopying fees: The cost to photocopy court papers and exhibits
- Appeal fees: The cost to ask a higher court to review a case
- Juror stipends: The cost to provide daily stipends to jurors

**CRIMINAL CASE:** A case brought by a government to punish a person for violating the criminal laws. In a criminal case, the government is the Plaintiff and the accused person is the Defendant (because that person must defend himself or herself against the accusation). In a Wisconsin criminal case, the State of Wisconsin is represented by the District Attorney, also called a prosecutor.

**CONTESTED DIVORCE:** A divorce in which the judge must resolve one or more issues, because the parties cannot agree.

**CONTINUANCE:** A delay or postponement of a court hearing to a later date. The case is said to be “continued” when it has been delayed or postponed.

**CONTRACT:** A legally enforceable agreement between two or more competent parties made either orally or in writing.

**CONVICTION:** A judgment of guilt against a criminal defendant.

**COUNSEL:** Legal advisor. A term used to refer to lawyers in a case.

**COUNTERCLAIM:** A claim made by the defendant in a civil lawsuit against the plaintiff. A counter lawsuit within a lawsuit.

**CURE:** "Cure" means to fix or correct a problem or mistake.

**CUSTODY OR LEGAL CUSTODY:** Custody means the right and responsibility to make major decisions concerning a child, such as their school, religion, and non-emergency health care. There are two types of legal custody:

- Joint legal custody: Both parents have equal rights to make major decisions.
- Sole legal custody: Only one parent has the right to make major decisions.

There is a presumption in the statutes that joint legal custody is generally in the best interest of a child. The person with physical placement makes the day to day decisions regarding the child.

## **D**

**DAMAGES:** Money awarded by a court to a person through a civil action.

**DEBTOR:** A person who owes money.

**DECISION:** A conclusion reached by a judge or court about a case or legal matter. A decision can determine what happens next, such as whether someone wins or loses a case.

**DEFAULT:** A default is when someone fails to meet a legal duty or follow a contract agreement. This includes a failure to respond to a lawsuit within the specified time.

**DEFAULT JUDGMENT:** A default judgment is a decision made by a court in favor of one party because the other party didn't take action. Usually, this happens when the defendant doesn't respond to a summons or doesn't show up in court.

**DEFENDANT:** The person being sued or the person charged with a crime in a criminal case.

**DEFENSE:** A defense means protecting your own interests. In law, a defendant can use defenses to avoid or reduce responsibility for something.

**DISCOVERY:** The process of exchanging information and evidence between sides in a legal case before trial. This can help people decide whether to settle or go to trial.

**DISCRETION:** The power of a judge to make decisions on various matters based on his or her opinion within general legal guidelines.

**DISMISSAL:** The termination of a lawsuit.

- A "*dismissal without prejudice*" allows the same lawsuit to be brought before the court again at a later time.

- A "*dismissal with prejudice*" prevents the lawsuit from being brought before a court in the future.

**DISPOSABLE INCOME:** The amount of money a person has left after paying taxes.

**DOCKET ENTRIES:** List of proceedings in a case and documents that have been filed with the circuit court clerk's office and the date on which they were filed. Also referred to as the "Court Record," which is not the same as the "Record on Appeal." For small claims, traffic regulation, and municipal ordinance violation cases, the docket entry serves as the final order or judgment appealed from.

## E

**EARNED INCOME TAX CREDIT (EITC):** A tax credit available to qualified low-income workers. EITC helps low-income workers increase income. It reduces the income tax a family owes, and at times, it provides a refund greater than taxes owed.

**EARNEST MONEY:** Earnest money is a deposit that a buyer makes to a seller to show their commitment to purchasing a property. It's also known as a good faith deposit.

**EARNING CAPACITY:** Earning capacity is a person's ability to make money based on their skills, training, and experience. It helps decide how much money someone should get in personal injury cases and in divorce cases for child support, spousal support, and dividing property. Earning capacity is also called earning power.

**ELECTRONIC FILING:** A system for filing court documents through an Internet website. Attorneys are required to use the electronic filing system. Self-represented parties may use it if they choose.

**EMANCIPATION:** Emancipation is the legal process of freeing a person from the authority of another, such as a parent or owner. In the United States, emancipation is often used to describe the process of a minor becoming independent from their parents.

**EX PARTE:** Ex Parte is a Latin phrase meaning “from only one of the parties”. An Ex Parte communication takes place when a judge gets information about a case from only one side. Judges act as neutral decision makers. If one side talks or writes to a judge without the other knowing, it creates a problem. To avoid this problem, judges won’t speak about the merits of a case with one party unless the other is there. If a letter is sent to the judge, it must also be sent to the other party. The judge or their staff may speak with a party about the procedure involved in a case; for example, how to schedule a hearing. Procedural questions are not considered ex parte communications, because talking about procedure does not give one side an advantage over the other.

**EXPUNGMENT:** Expungement in Wisconsin is the process of sealing a criminal case file and removing all records of a conviction from view. This prevents anyone from seeing the file without a court order. An expungement does not reverse or set aside the conviction; it just removes all records relating to the conviction from records kept by the court system.

## **F**

**FEE WAIVER:** An approved fee waiver covers the costs associated with filing and service fees only and does not include fees for copies of documents or Guardian Ad Litem Fees. Once your Petition for fee waiver has been approved it is effective for 6

months or until your financial situation changes whichever comes first. Oftentimes the Court approves the waiver but indicates the parties may be required to reimburse the County for waived fees at a later date. The fees may also be submitted for tax intercept.

**FILE-STAMPED:** A document that has the official stamp of a clerk's office indicating the date on which a document was accepted for filing.

**FINANCIAL DISCLOSURE STATEMENT:** A document that fully and completely describes your income, expenses, assets, and debts to the court. You **MUST** bring a completed Financial Disclosure Statement to the Temporary Order Hearing.

**FORECLOSURE:** Foreclosure is a legal process that lets a lender take control of a property when the owner fails to pay their mortgage. The lender can then sell the property to get back the money they loaned.

## **G**

**GARNISHMENT:** The entire process of petitioning for and getting a court order directing a person or entity (garnishee) to hold funds they owe to someone who allegedly is in debt to another person, often after a judgment has been rendered. Usually the actual amounts owed have not been figured out or are to be paid by installments directly or through the sheriff.

**GUARDIAN AD LITEM (GAL):** A Wisconsin attorney whose role is to represent the best interests of the child(ren). This is not the same thing as being the child(ren)'s attorney or advocating for what the child(ren) want. The GAL will investigate the facts, participate in negotiations, and take a position in court on legal custody, placement, and support based on what they think is in the best interests of the child(ren). The GAL does not have any of the rights or duties of a parent or

guardian.

**GUARDIANSHIP:** Guardianship is a relationship created by a court between an individual (called a “ward”) who the court has determined to be “incompetent” and an individual or organization (called either the “guardian of the person,” the “guardian of the estate,” or both) who the court authorizes to make personal and medical decisions and/or financial decisions on behalf of the ward. A guardian of the estate can also be appointed for an individual who is considered a “spendthrift.” Guardianship can also include protective services or placement. In many other states, a guardianship of the estate is called a conservatorship. In Wisconsin, a guardian of the estate is similar to, but not the same as, a conservator.

## H

**HABITABLE:** The legal definition of habitable is a residence that is safe and fit for human occupation, free of serious defects that might pose a risk to one's health and safety.

**HEARING:** A hearing is a formal meeting in front of a court or judge where people present evidence and arguments to solve legal issues or questions.

## I

**IN REM TAX FORCLOSURE:** “In rem” means the legal action is focused on the property itself, not the owner.

**INCARCERATED:** Incarceration is a legal term that means keeping someone in prison or jail after they have been arrested or found guilty of a crime. It also refers to being held in a place that restricts a person's movement and freedom.

**INDIAN CHILD WELFARE ACT (ICWA):** A federal law that seeks to keep American Indian children with American Indian families. Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress under ICWA was to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.

**INDIGENT:** Someone who is unable to afford to pay the fees related to a case. A party must make a motion in the circuit court, the Court of Appeals, and/or the Supreme Court asking to be declared indigent.

**INDIGENT STATUS:** The status given to a party without the financial resources to pay the court fees, and to whom the court grants permission to proceed without paying all the fees.

**INITIAL HEARING:** An "initial hearing" in civil cases is the first court meeting after a lawsuit has been filed. During this hearing, the judge reviews the case, explains the next steps, and helps set a schedule for what will happen next, like when to file more documents or when the next hearing will be.

**INJUNCTION:** A term used in Wisconsin to refer to a restraining order that lasts for a longer period of time than the TRO. Injunctions usually last 2 to 4 years, but can last up to 10 years depending on the facts of the case.

**INJUNCTIVE RELIEF:** Injunctive relief is a legal term that means a court order telling someone to do something or to stop doing something. It's used to prevent

harm or to protect someone's rights before a problem gets worse. For example, if a neighbor is making too much noise at night, a court might order them to keep it down.

**INNOCENT SPOUSE RELIEF:** Provides you relief from additional tax you owe if your spouse or former spouse failed to report income, reported income improperly or claimed improper deductions or credits.

## J

**JOINDER CONFERENCE:** A "joinder conference" is a meeting in court where lawyers discuss joining together two or more cases or parties. This can help make the legal process easier by combining related issues into one case, so they can be handled at the same time.

**JUDGMENT:** A decision made by a court about a case. It tells who won and who lost, and it can also include instructions on what should happen next. For example, a judgment might order one person to pay money to another or to do something specific. In simple words, a judgment is the court's final answer to a legal dispute.

**JURISDICTION:** The authority or power a court has to act or hear a case and make a decision.

## K

**KINSHIP:** Kinship, or "kin," refers to relationships between people that can be based on blood, marriage, or legal connections. These relationships can be shown through family trees, legal papers, or other methods.

# L

**LAWYER:** A lawyer is a person who has been trained in the law. A lawyer may be best suited to provide general information about the law and help you with paperwork.

**LEASE:** A lease is a legal agreement between two people: the lessor, who owns the property, and the lessee, who wants to rent it. This agreement explains the rules and terms for renting the property or item.

**LEGAL ADVICE:** Guidance regarding a specific legal matter. Generally, you must be a lawyer to give legal advice. Examples of legal advice include:

- Giving predictions about what will happen if you make certain choices.
- Giving opinions about what choices you should make.
- Writing legal documents for you to use in court or out of court.

**LEGAL INFORMATION:** Factual statements of what the law is. It is generic and does not address any one particular cause of action or any one person's case. Legal information allows you to draw your own conclusions as to the interpretation of the law, allowing you to decide how best to apply it in your case. You do not have to be a lawyer to provide legal information. Examples include:

- Showing you how to find legislation, court rules, cases as well as other online and print resources.
- Explain the meaning of terms and documents used in the court process.
- Providing lists of the legal options for people in common situations.
- Providing step-by-step instructions for how to get things done in court.
- Providing referrals to connect you with more help.

**LEGAL REPRESENTATION:** The highest level of service that a lawyer provides. They will manage your legal issue from start to finish, accept legal documents on your behalf, and provide guidance throughout the life of the legal issue you are facing.

**LEGAL SEPARATION:** Legal Separation does not end your marriage. The court rules on the division of property, maintenance (spousal support) and if necessary, arrangements for child custody, support and physical placement. The parties are still married. After the judgment has been in effect for at least one (1) year, either party may request the court to change the legal separation into a divorce. The parties cannot marry another person during legal separation.

**LEGALESE:** Legalese is a special way of writing that lawyers and other legal professionals use in legal documents and laws.

**LIABLE:** liable means to be legally obligated or responsible for something. For example, a defendant in a civil case may be liable to pay damages to the plaintiff if the court rules in their favor.

**LIEN:** A lien is a legal claim that someone has on someone else's property until a debt is paid. It means that if the person with the lien doesn't get paid, they can take the property or sell it to recover the money owed.

**LIMITED SCOPE REPRESENTATION:** See "Unbundled Legal Services"

**LITIGANTS:** Parties to a case. The persons involved in a lawsuit.

**LUMP-SUM PAYMENT:** A one-time payment made all at once instead of several smaller payments.

## M

**MAINTENANCE:** “Maintenance”, which is called alimony in many other states, is a payment from one spouse to the other, usually after a divorce, to allow them to live in a manner similar to that enjoyed during the marriage.

**MAJOR DECISIONS:** “Major decisions” includes, but is not limited to, decisions regarding consent to marry, consent to enter military service, consent to obtain a motor vehicle operator’s license, authorization for non-emergency health care and choice of school and religion. The parties to an action can agree, or the Court may order, that other decisions are also “major decisions”.

**MANDATED REPORTER:** A mandatory reporter is someone who is legally required to report any suspected or confirmed abuse or neglect of vulnerable people to the authorities. This includes many individuals, such as doctors, teachers, childcare workers, and law enforcement officers.

**MATURITY DATE:** The date when the last payment is due on a loan or other financial agreement, like a bond or term deposit. On this day, the full amount borrowed (the principal) and any remaining interest must be paid.

**MEDIATION:** Mediation is a process in which both sides of a dispute meet with a neutral third person (the “mediator”) who attempts to help them reach an agreement. The mediator may help the parties identify the problems that are creating the disagreement, and may show them options to resolve the

disagreement. The mediator may provide guidance into the likely decision of a court hearing the dispute. The mediator does not have the authority to make decisions for the parties or to order a particular resolution.

**MEDICAID:** Medical aid designed for those who are unable to afford regular medical services.

**MEDICARE:** Government funded medical program for the elderly and disabled.

Medicare Part A - Hospital insurance

Medicare Part B - Medical coverage

Medicare Part D - Prescription drug coverage

**MITIGATE:** To "mitigate" means to make a situation less severe or serious. In legal terms, it often refers to taking steps to reduce the harm or damage caused by a problem, like trying to lessen the impact of an accident or crime.

**MORTGAGE:** A mortgage is a legal agreement between a borrower and a lender. It gives the lender the right to take the borrower's property if they don't pay back the loan plus interest. Mortgages are often used to buy a home or to borrow money based on the value of a home the borrower already owns.

**MOTION:** A motion is a formal request to the court asking that some action be taken. For example, a motion to modify child support asks that the court hear and decide whether child support should be modified.

**MOVANT:** The party asking the court for something. This is usually done in the form of a motion to the Court.

## N

**NEGLECTANCE:** Negligence is when someone doesn't act with the care that a reasonable person would show in the same situation. This can happen because of something a person did or because they didn't do something they should have.

**NOTARY/NOTARIZED:** A notary is a publicly commissioned official who serves as an impartial witness to the signing of a legal document. Document that need to be "notarized" and where the services of a notary are generally necessary are real estate deeds, affidavits, wills, trusts, powers of attorney, bills of sale, or other official transactional documents.

## O

**OMBUDSMAN:** A person who investigates and attempts to resolve complaints and problems, as between employees and an employer or between students and a university.

**ORDER:** a command or decision made by a judge or court. It tells someone to do something or to stop doing something. For example, a court might issue an order to pay money, to follow certain rules, or to appear in court at a specific time. In simple words, an order is what the court says should happen in a legal case.

**ORDER TO SHOW CAUSE:** An order to show cause is a document, issued by the court, ordering a person to show a reason why something shouldn't happen. For example, an order to show cause on child support may order that the person appear, often with documents, and show the court why child support shouldn't be modified. An order to show cause is only issued after a party or attorney requests it. It requires that the party file an affidavit stating reasons why the order should enter. If the

court finds that there aren't good reasons under the facts or law to enter the order, the order will not be entered and no hearing will be set.

## P

**PAPER PARTY:** A party who is not required to participate in eFiling and who chooses not to participate in the eFiling system.

**PARTY:** A party is a person, group, or organization that takes part in a legal transaction, like a lawsuit, contract, or agreement.

**PATERNITY:** The state or condition of being a biological father.

**PLACEMENT:** There are several types of placement. One parent may have primary physical placement, meaning that the child spends most of his or her time with that parent. The other parent would then have periods of temporary physical placement, meaning that although the parent has the child for a period of time, the child will return "home" to the other parent at the end of that time. Parents can also have shared physical placement, where each of the parents has the child for approximately the same amount of time. If there is more than one child, the parents may have split physical placement, meaning that some of the children are with one parent and some are with the other.

**PLAINTIFF:** The party who starts a lawsuit, or in criminal cases, the prosecutor acting on behalf of the State of Wisconsin.

**POVERTY LINE:** The federal government defines poverty based on family size and income. If a family's total income is less than the poverty threshold set by the

federal government, then that family is considered impoverished. The official poverty measure is adjusted annually to account for inflation.

**POWER OF ATTORNEY:** A written document signed by a person giving another person the power to act in conducting the signer's business, including signing papers, checks, title documents, contracts, handling bank accounts and other activities in the name of the person granting the power.

**PRE-TRIAL CONFERENCE:** A pre-trial conference is a meeting that happens before a trial starts in a civil case. During this meeting, the judge, lawyers, and sometimes the parties involved talk about the case. They discuss the main issues, share information, and try to come to an agreement. The goal is to make the trial easier and faster, and sometimes they might settle the case before it even goes to court.

**PRECEDENT:** A previously decided case that is recognized as binding on future cases that have similar facts and/or legal issues.

**PREDATORY LENDING:** The practice of a lender deceptively convincing borrowers to agree to unfair and abusive loan terms, or systematically violating those terms in ways that make it difficult for the borrower to defend against.

**PRELIMINARY HEARING:** A preliminary hearing is a meeting in front of a judge to decide if there is enough evidence to move forward with a criminal case. The judge looks at whether there is a good reason to believe that the crime happened and that the person accused is responsible.

**PREPONDERANCE:** "Preponderance" means that something is more likely to be true than not. In legal terms, it usually refers to the standard of proof in civil cases, where the evidence must show that one side has a stronger case than the other,

even if it's just a little bit stronger.

**PRESUMPTION:** a presumption is an assumption that something is true until proven otherwise. For example, if someone is presumed innocent, it means they are considered innocent until there is enough evidence to show they are guilty. Presumptions help make decisions easier, but they can be challenged in court if new evidence comes up.

**PRO SE:** A person, not represented by an attorney, who is representing himself or herself in a case.

**PROBATE:** The process of proving a will is valid and thereafter administering the estate of a dead person according to the terms of the will.

**PROCESS SERVER:** Delivers legal documents for civil cases by following state laws. They use different methods to find people and make sure the papers are delivered quickly.

**PROHIBITION:** A restraint. A party may file a petition for writ of prohibition asking the Wisconsin Court of Appeals to order a judge or circuit court not to do something.

**PRORATED RENT:** Prorated rent is the amount of rent a tenant pays based on the number of days they occupy a rental property. It's a fair way to charge tenants who can't move in at the start of their lease agreement or who need to move out before the end of their lease.

**PROVISION:** A "provision" is a specific rule or condition in a legal document, like a contract or law. It outlines what is allowed or required, and helps explain the responsibilities of the people involved.

**PUNITIVE DAMAGES:** Punitive damages are money that a court orders a guilty defendant to pay in addition to compensatory damages. These damages are not meant to compensate the injured person, but to punish the defendant for serious wrongdoing or for acting carelessly on purpose.

## Q

## R

**REBUTTAL PRESUMPTION:** A rebuttal presumption is a legal assumption that something is true until someone proves otherwise. For example, if a person is presumed to be a responsible adult, that means it's assumed they can take care of themselves. However, if someone provides evidence that shows they are not responsible, that assumption can be changed. In other words, the person can "rebut" or challenge the presumption with proof.

**REFINANCE:** Refinancing is the process of replacing an old debt with a new one that has different terms and interest rates. You can refinance many types of loans, like mortgages, car loans, and student loans.

**REMEDY:** A "remedy" is a way to fix a problem or make things right after someone has been wronged. In law, it usually means the actions a court takes to help a person who has been harmed, like ordering someone to pay money or to stop doing something.

**RESPONDENT:** The individual or party who must respond to the appeal. (most often the opposing party in the circuit court)

**RESTRAINING ORDER:** A court order that orders someone not to hurt you, to stay away from you, move out of the house, have no contact with you, or stop harassing you.

**REVOCATION:** To cancel, annul, or withdraw something, such as a contract, agreement, or document.

**ROUTINE DAILY DECISIONS:** Decisions such as bedtime, study time, diet, extracurricular activities, social activities, and discipline. The right to make routine daily decisions belongs to the parent during their placement time. Any routine daily decision must be consistent with major decisions made under the legal custody provisions and must not break any laws about safety. Many daily decisions, such as extracurricular activities, overlap periods of placement and require parental communication and agreement.

## S

**SECTION 8 HOUSING:** The shorthand term for subsidized rental vouchers given to individuals and families in the United States. In order to receive Section 8 vouchers, your household income must be below a certain threshold. Unlike government housing projects in which people receive low-cost apartments, under Section 8 you can rent any home that is registered for the program, and pay a percentage of your income to the landlord. The government pays the difference between your portion of the rent and the market rent.

**SELF-HELP EVICTION:** Self-help eviction is a general term for trying to remove a tenant from a rental property without going through the legal eviction process with the court and sheriff. In Wisconsin, the only legal way to remove a tenant who won't leave is through the court process. Self-help evictions can include changing the locks, turning off utilities, taking the tenant's belongings, or physically forcing the tenant out.

**SMALL CLAIMS COURT:** small claims court is a type of civil court that quickly and inexpensively resolves minor disputes involving small amounts of money.

**SOCIAL SECURITY DISABILITY INSURANCE (SSDI):** Provides income to people who are unable to work because of a disability.

**STATUTE OF LIMITATIONS:** A statute of limitations is a law that limits the amount of time a person has to file a legal claim after an alleged offense. Statutes of limitations can apply to both civil and criminal cases.

**STAY:** A court order which temporarily suspends court proceedings or the effect of a judgment. Initiating an appeal does not automatically stay enforcement of a circuit court judgment.

**STIPULATED:** Agreed upon. A stipulated divorce hearing is held if both parties agree on a settlement of all issues in the case.

**STIPULATED DISMISSAL:** A stipulated dismissal is when both sides in a legal case agree to end the case together. They ask the court to officially close the case, usually because they reached an agreement outside of court. This means that no further action will happen, and both sides are satisfied with the outcome.

**STIPULATION:** An Agreement.

**SUBSTANTIATED:** In legal terms, "substantiated" means that a claim or accusation has enough evidence to prove it is true. The evidence must be believable, trustworthy, and strong.

**SUMMONS AND COMPLAINT:** A summons and complaint is a legal document used to start a lawsuit. The summons tells the person being sued that they need to come to court, while the complaint explains why they are being sued and what the person wants from the court. Together, they inform the defendant about the case and what they need to do next.

**SUPPLEMENTAL SECURITY INCOME (SSI):** A Federal income supplement program funded by general tax revenues (not Social Security taxes):

- It is designed to help aged, blind, and disabled people, who have little or no income; and
- It provides cash to meet basic needs for food, clothing, and shelter.

A federal government income support program for aged, blind, and disabled persons; checks are distributed by the federal government; monthly grant includes a state supplement amount to over 20%.

**SURETY BOND:** A promise made by a person or company to do a job the right way. If they don't do the job or follow the rules, the bond helps pay money to fix the problem. It protects the person who hired them.

**T**

**TEMPORARY RESTRAINING ORDER (TRO):** A term used in Wisconsin to refer to a restraining order that only lasts a short period of time, generally less than two weeks. If a TRO is granted, it can provide short-term protection while waiting for the injunction hearing.

**TESTIMONY:** Testimony is oral or written evidence given by the witness under oath, affidavit, or deposition during a trial or other legal procedures.

**THIRD PARTY VISITATION:** Third Party Visitation is the term for a non-parent (grandparent, step-parent, great-grandparent) to request specific visitation time for a child.

**TRANSCRIPT:** Written version of everything that was said at the trial or hearings in the case.

## U

**UNBUNDLED LEGAL SERVICES:** An agreement where the lawyer does some work for a particular case but does not take on the entire case. Also known as "Limited Scope Representation". This can take different forms, such as:

- providing only advice
- helping with document preparation but not representation in court
- representation in some but not all court hearings (this is called a "limited appearance")

This can be a way of getting some legal help, even if you cannot afford to pay for full legal representation. Not all lawyers will agree to provide services in this way.

**UNDERTAKING:** An amount of money, set by the judge, that must be paid to the court to prevent the judgement from being executed while the appeal is being reviewed.

## V

**VENUE:** The location where a civil or criminal trial is held.

## W

**W-2 (WISCONSIN WORKS):** A program available to parents of minor children whose family income is below 115% of the Federal Poverty Level (FPL). Each W-2 eligible participant meets with a Financial and Employment Planner (FEP), who helps the individual develop a self-sufficiency plan and determine his or her place on the W-2 employment ladder. The ladder consists of four levels of employment and training options, in order of preference.

## X

## Y

## Z

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