

GENERAL LEGAL AND COURT PROCEDURE

“**Affidavit**” means a written or printed statement made under oath.

“**Affirmed**” means that the court of appeals has concluded that the lower court decision is correct and will stand as rendered by the lower court.

“**Appeal**” means a request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the "appellant;" the other party is the "appellee."

“**Amicus curiae**” means "friend of the court" in Latin. It is advice formally offered to the court in a brief filed by an entity interested in, but not a party to, the case.

“**Bench trial**” means a trial without a jury, in which the judge serves as the fact-finder.

“**Case law**” means the law as established in previous court decisions. A synonym for legal precedent. Akin to common law - springs from tradition and judicial decisions.

“**Cause of action**” means a legal claim.

“**Common law**” means the legal system that originated in England and is now in use in the United States, which relies on the articulation of legal principles in a historical succession of judicial decisions. Common law principles can be changed by legislation.

“**Complaint**” means a written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.

“Damages” means money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct).

“Declaratory judgment” means a judge's statement about someone's rights. For example, a plaintiff may seek a declaratory judgment that a particular statute, as written, violates some constitutional right.

“De facto” means "in fact" or "actually" in Latin. Something that exists in fact, but not as a matter of law.

“Default judgment” means a judgment awarding a plaintiff the relief sought in the complaint because the defendant has failed to appear in court or otherwise respond to the complaint.

“Defendant” means, in a civil case, the person or organization against whom the plaintiff brings suit. In a criminal case, the defendant is the person accused of the crime.

“De novo” means "anew" in Latin. A trial de novo is a completely new trial. Appellate review de novo implies no deference to the trial judge's ruling.

“Deposition” means an oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial. *See discovery.*

“Discovery” means procedures used to obtain disclosure of evidence before trial.

“Dismissal with prejudice” means court action that prevents an identical lawsuit from being filed later.

“Dismissal without prejudice” means court action that allows the later filing.

“Docket” means a log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.

“Due process” means, in criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, due process means the legal rights of someone who confronts an adverse action threatening liberty or property.

“Equitable” pertains to civil suits in "equity" rather than in "law." In English legal history, the courts of "law" could order the payment of damages and could afford no other remedy. A separate court of "equity" could order someone to do something or to cease to do something (e.g., injunction). In American jurisprudence, the federal courts have both legal and equitable power, but the distinction is still an important one. For example, a trial by jury is normally available in "law" cases but not in "equity" cases.

“Evidence” means information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other.

“Ex parte” means a proceeding brought before a court by one party only, without notice to or challenge by the other side.

“Hearsay” means evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial.

“In camera” means “in a judge's chambers” in Latin. Often means outside the presence of a jury and the public. In private.

“In forma pauperis” means “in the manner of a pauper” in Latin. Permission given by the court to a person to file a case without payment of the required court fees because the person cannot pay them.

“Injunction” means a court order preventing one or more named parties from taking some action. A preliminary injunction often is issued to allow fact-finding, so a judge can determine whether a permanent injunction is justified.

“Interrogatories” means a form of discovery consisting of written questions to be answered in writing and under oath.

“Judgment” means the official decision of a court finally resolving the dispute between the parties to the lawsuit.

“Jurisdiction” means the legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases.

“Jury instructions” means a judge's directions to the jury before it begins deliberations regarding the factual questions it must answer and the legal rules that it must apply.

“Mistrial” means an invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury.

“Moot” means an issue not subject to a court ruling because the controversy has not actually arisen, or has ended.

“Motion” means a request by a litigant to a judge for a decision on an issue relating to the case.

“Motion in Limine” means a pretrial motion requesting the court to prohibit the other side from presenting, or even referring to, evidence on matters said to be so highly prejudicial that no steps taken by the judge can prevent the jury from being unduly influenced.

“Opinion” means a judge's written explanation of the decision of the court. Because a case may be heard by five judges in the Vermont Supreme Court or three or more judges in federal appellate court, the opinion in appellate decisions can take several forms. If all

the judges completely agree on the result, one judge will write the opinion for all. If all the judges do not agree, the formal decision will be based upon the view of the majority, and one member of the majority will write the opinion. The judges who did not agree with the majority may write separately in dissenting or concurring opinions to present their views. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law the majority used to decide the case. A concurring opinion agrees with the decision of the majority opinion, but offers further comment or clarification or even an entirely different reason for reaching the same result. Only the majority opinion can serve as binding precedent in future cases. *See also precedent.*

“Oral argument” means an opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

“Per curiam” means "for the court" in Latin. In appellate courts, it often refers to an unsigned opinion.

“Pleadings” means written statements filed with the court that describe a party's legal or factual assertions about the case.

“Precedent” means a court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent" - meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.

“Pretrial conference” means a meeting of the judge and lawyers to plan the trial, to discuss which matters should be presented to the jury, to review proposed evidence and witnesses, and to set a trial schedule. Typically, the judge and the parties also discuss the possibility of settlement of the case.

“Pro se” means representing oneself. Serving as one's own lawyer.

“Record” means a written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.

“Remand” means to send back.

“Reverse” means the act of a court setting aside the decision of a lower court. A reversal is often accompanied by a remand to the lower court for further proceedings.

“Standard of proof” the degree of proof required. In criminal cases, prosecutors must prove a defendant's guilt "beyond a reasonable doubt." The majority of civil lawsuits require proof "by a preponderance of the evidence" (50 percent plus), but in some the standard is higher and requires "clear and convincing" proof.

“Statute of limitations” means the time within which a lawsuit must be filed or a criminal prosecution begun. The deadline can vary, depending on the type of civil case or the crime charged.

“Sua sponte” means "of its own will" in Latin. Often refers to a court taking an action in a case without being asked to do so by either side.

“Subpoena” means a command, issued under a court's authority, to a witness to appear and give testimony.

“Subpoena duces tecum” means a command to a witness to appear and produce documents.

“Summary judgment” means a decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case. Summary judgment is granted when – on the undisputed facts in the record – one party is entitled to judgment as a matter of law.

“Temporary restraining order” means a judge's short-term order forbidding certain actions until a full hearing can be conducted. Often referred to as a TRO.

“Tort” means a civil, not criminal, wrong. A negligent or intentional injury against a person or property, with the exception of breach of contract.

“Uphold” means the appellate court agrees with the lower court decision and allows it to stand. *See affirmed.*

“Venue” means the geographic area in which a court has jurisdiction. A change of venue is a change or transfer of a case from one judicial district to another.

“Verdict” means the decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant, or that determines the final outcome of a civil case.

“Voir dire” means the jury selection process of questioning prospective jurors, to ascertain their qualifications and determine any basis for challenge.

“Writ” means a written court order directing a person to take, or refrain from taking, a certain act.

CRIMINAL LAW AND PROCEDURE

“Arraignment” means a proceeding in which a criminal defendant is brought into court, told of the charges in an indictment or information, and asked to plead guilty or not guilty.

“Arrest” means the apprehending or detaining of a person in order to answer an alleged or suspected crime.

“Bail” means any security, including cash, pledged to the court to ensure that a person charged with a criminal offense will appear at future court proceedings.
13 V.S.A. § 7576.

“Big 12” is a colloquial term that means the crimes for which, upon motion of the state's attorney and after hearing, the juvenile court may transfer jurisdiction of the proceeding to the criminal division of the superior court, if the child had attained the age of 10 but not the age of 14 at the time the act was alleged to have occurred. Those crimes include: (1) arson causing death as defined in 13 V.S.A. § 501; (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b); (3) assault and robbery causing bodily injury as defined in 13 V.S.A. 608(c); (4) aggravated assault as defined in 13 V.S.A. § 1024; (5) murder as defined in 13 V.S.A. § 2301; (6) manslaughter as defined in 13 V.S.A. § 2304; (7) kidnapping as defined in 13 V.S.A. § 2405; (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407; (9) maiming as defined in 13 V.S.A. § 2701; (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2); or (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; and (12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c). 33 V.S.A. § 5204.

“Citation” means a notice to appear in court due to the probable commission of a crime or a civil violation such as a traffic offense. The Vermont Rules on Criminal Procedure lay out the instances in which a law enforcement office may arrest a person on suspicion of a crime, and when they may only cite the person to court to answer the charge.

“Concurrent sentence” means that prison terms for two or more offenses are to be served at the same time, rather than one after the other. In Vermont, when terms run concurrently, the shorter minimum terms merge in and are satisfied by serving the longest minimum and the shorter maximum terms merge in and are satisfied by discharge of the longest maximum term.

“Consecutive sentence” means the prison terms for two or more offenses are run one after the other. In Vermont, a consecutive sentence is determined by adding the minimum terms to arrive at an aggregate minimum to be served equal to the sum of all minimum terms and the maximum terms are added to arrive at an aggregate maximum equal to the sum of all maximum terms.

“Conviction” means a judgment of guilt following a verdict or finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford Plea, or a judgment of guilt pursuant to a deferred sentence. Only persons tried as adults in the criminal division of superior court are subject to conviction, and may include persons under the age of 18.

“Count” means an allegation in an indictment or information, charging a defendant with a crime. An indictment or information may contain allegations that the defendant committed more than one crime. Each allegation is referred to as a count.

“Criminal division of the superior court” has jurisdiction to try, render judgment, and pass sentence in prosecutions for felonies and misdemeanors, and to try and finally determine prosecutions for violations of bylaws or ordinances of a village, town, or city, except as otherwise provided. The division also has jurisdiction of the following civil actions: (1) Appeals of final decisions of the judicial bureau; (2) DUI license suspension hearings filed pursuant to chapter 24 of Title 23; (3) Extradition proceedings filed pursuant to chapter 159 of Title 13; (4) Drug forfeiture proceedings under subchapter 2 of chapter 84 of Title 18; (5) Fish and wildlife forfeiture proceedings under chapter 109 of Title 10; (6) Liquor forfeiture proceedings under chapter 19 of Title 7; (7) Hearings relating to refusal to provide a DNA sample pursuant to 20 V.S.A. § 1935; (8) Automobile forfeiture and immobilization proceedings under chapters 9 and 13 of Title 23; (9) Sex offender proceedings pursuant to 13 V.S.A. §§ 5411(e) and 5411d(f); (10) Restitution modification proceedings pursuant to 13 V.S.A. § 7043(h); (11) Municipal parking violation proceedings pursuant to 24 V.S.A. § 1974a(e), if the municipality has established an administrative procedure enabling a person to contest the violation, and the person has exhausted the administrative procedure; (12) Proceedings to enforce chapter 74 of Title 9, relating to energy efficiency standards for appliances and equipment; (13) Proceedings to enforce 21 V.S.A. § 268, relating to commercial building energy standards.

“Court Diversion” is a restorative alternative to the court process. The State’s Attorney may offer Diversion to adults or youth who are charged with committing a crime (or youth charged with being delinquent). After successful completion of the program, the original charge is dismissed.

“Deferred sentence” means a delayed sentence. Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent on probation subject to conditions. Successful completion of the probation term results in an expungement of the record of the conviction, while failure of the terms of the probation results in the court imposing a sentence. 13 V.S.A. § 7041.

“Delinquent act” means an act designated a crime under the laws of this state, or of another state if the act occurred in another state, or under federal law. A person under the age of 18 may be “adjudicated delinquent” if found by the family division of the superior court to have committed a delinquent act.

“Disposition” means the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or against whom a finding of sufficient facts for conviction is made.

“Due process” in criminal law means the constitutional guarantee that a defendant will receive a fair and impartial trial.

“Exclusionary rule” is the doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.

“Exculpatory evidence” means evidence indicating that a defendant did not commit the crime.

“Ex post facto” means “from after the action” in Latin. An ex post facto law is one that retroactively changes the legal consequences (or status) of actions committed or relationships that existed prior to the enactment of the law. Such laws are specifically prohibited by the U.S. Constitution, Article I, Section 9. In *Calder v. Bull* (1798) the U.S. Supreme Court identified the type of laws that it considered ex post facto law : “1st. Every law that makes an action, done before the passing of the law, and which was innocent when done, criminal; and punishes such action. 2nd. Every law that aggravates a crime, or makes it greater than it was, when committed. 3rd. Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when announced. 4th. Every law that alters the legal rules of evidence, and receives less, or different, testimony, than the law required at the time of the commission of the offence, in order to convict the offender.”

“Family division of the superior court” has jurisdiction to hear all juvenile delinquency proceedings, including proceedings involving "youthful offenders" pursuant to 33 V.S.A. § 5281 whether the matter originated in the criminal or family division of the superior court. For other areas of jurisdiction not related to crimes or delinquent acts, see the glossary for Family Law.

“Felony” means an offense whose maximum term of imprisonment is more than two years. 13 V.S.A. § 1.

“Habeas corpus” in Latin, means "you have the body." A writ of habeas corpus generally is a judicial order forcing law enforcement authorities to produce a prisoner they are holding, and to justify the prisoner's continued confinement.

“Home detention” means a program of confinement and supervision that restricts a defendant to a preapproved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections. The court may authorize scheduled absences such as work, school, or treatment. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the court. 13 V.S.A. § 7554b.

“Inculpatory evidence” means evidence indicating that a defendant did commit the crime.

“Information” means a formal accusation by a government attorney that the defendant committed a crime.

"Listed crime" means any of the following offenses: (A) stalking as defined in section 1062 of Title 13; (B) aggravated stalking as defined in subdivision 1063(a)(3) or (4) of Title 13; (C) domestic assault as defined in section 1042 of Title 13; (D) first degree aggravated domestic assault as defined in section 1043 of Title 13; (E) second degree aggravated domestic assault as defined in section 1044 of Title 13; (F) sexual assault as defined in section 3252 of Title 13 or its predecessor as it was defined in section 3201 or 3202 of Title 13; (G) aggravated sexual assault as defined in section 3253 of Title 13; (H) lewd or lascivious conduct as defined in section 2601 of Title 13; (I) lewd or lascivious conduct with a child as defined in section 2602 of Title 13; (J) murder as defined in

section 2301 of Title 13; (K) aggravated murder as defined in section 2311 of Title 13; (L) manslaughter as defined in section 2304 of Title 13; (M) aggravated assault as defined in section 1024 of Title 13; (N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of Title 13; (O) arson causing death as defined in section 501 of Title 13; (P) assault and robbery causing bodily injury as defined in subsection 608(c) of Title 13; (Q) maiming as defined in section 2701 of Title 13; (R) kidnapping as defined in section 2405 of Title 13 or its predecessor as it was defined in section 2401 of Title 13; (S) unlawful restraint in the second degree as defined in section 2406 of Title 13; (T) unlawful restraint in the first degree as defined in section 2407 of Title 13; (U) recklessly endangering another person as defined in section 1025 of Title 13; (V) violation of abuse prevention order as defined in section 1030 of Title 13, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief); (W) operating vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in subsections 1210(e) and (f) of Title 23; (X) careless or negligent operation resulting in serious bodily injury or death as defined in subsection 1091(b) of Title 23; (Y) leaving the scene of an accident with serious bodily injury or death as defined in subsection 1128(b) or (c) of Title 23; (Z) burglary into an occupied dwelling as defined in subsection 1201(c) of Title 13; (AA) the attempt to commit any of the offenses listed in this section; (BB) abuse (section 1376 of Title 13), abuse by restraint (section 1377 of Title 13), neglect (section 1378 of Title 13), sexual abuse (section 1379 of Title 13), financial exploitation (section 1380 of Title 13), and exploitation of services (section 1381 of Title 13); (CC) aggravated sexual assault of a child in violation of section 3253a of Title 13; and (DD) sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in section 2635a of Title 13.

“Misdemeanor” means an offense whose maximum term of imprisonment is two years or less. 13 V.S.A. § 1.

“Nolo contendere” literally means no contest. A plea of nolo contendere has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose.

“Nonviolent felony” means a felony offense which is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of chapter 64 of Title 13.

"Nonviolent misdemeanor" means a misdemeanor offense which is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of chapter 64 of Title 13 or 13 V.S.A. § 1030.

"Plea" means, in a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. *See also nolo contendere.*

"Pretrial risk assessment" is conducted on a defendant awaiting a court appearance for the purpose of determining whether a person presents a risk of nonappearance or a threat to public safety so the Court can make an appropriate order concerning bail and conditions of pretrial release. 13 V.S.A. § 7554c.

"Restitution" means money or services which a court orders a defendant to pay or render to a victim as a part of the disposition.

"Warrant" means court authorization, most often for law enforcement officers, to conduct a search or make an arrest.

CORRECTIONS

“Community reparative boards” means local committees comprised of members of the community who are appointed by the commissioner in consultation with nonprofit organizations or municipal entities in the localities concerned, for the purpose of carrying out restorative justice in a community.

"Conditional reentry" means the process by which a sentenced offender is released into a community for supervision while participating in programs that assist the reintegration process. The offender's ability to remain in the community under supervision is conditioned on the offender's progress in reentry programs. 28 V.S.A. § 722.

“Furlough” means when the limits of the place of confinement of an inmate at any correctional facility are extended if the inmate agrees to comply with certain conditions. Furlough can be granted solely by the department in cases such as to visit a critically ill relative, to attend a funeral of a relative, to obtain medical services, to contact prospective employers, and to secure a suitable residence for use upon discharge. When recommended by the department and ordered by a court, an inmate can be placed on treatment furlough or home confinement furlough. This process is sometimes referred to as preapproved furlough. The commissioner, at his or her sole discretion, may release an inmate on reintegration furlough up to 180 days prior to the inmate’s minimum sentence. 28 V.S.A. § 808.

“Home confinement furlough” means an inmate has been sentenced to serve a term of imprisonment that restricts the defendant to a preapproved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions such as limitations on alcohol, visitors, and access to firearms imposed by the court, the department, or both. A sentence to home confinement furlough may not exceed a total of 180 days.

“Offender work program” means a program developed by the commissioner for the purpose of using offender labor for the public good. The offender work programs board advises the commissioner, who may establish and maintain industries, farms and institutional work programs at appropriate correctional facilities or other locations, plus community service work programs throughout the state.

"Parole" means the release of an inmate to the community by the parole board before the end of the inmate's sentence subject to conditions imposed by the board and subject to

the supervision and control of the commissioner. If a court or other authority files a warrant or detainer against an inmate, the board may release him or her on parole to answer the warrant and serve any subsequent sentences. 28 V.S.A. § 402.

“Preapproved furlough” means the offender received a sentence which he or she is serving in the community in order to participate in programs administered by the department of corrections which reduce the offender’s risk of recidivism (for example a substance abuse treatment program) or that provides reparation to the community (work crew). If the offender fails to participate satisfactorily in the programs, the department may send him or her to prison to serve the sentence.

“Presentence report” means a report prepared by a court's probation officer, after a person has been convicted of an offense, summarizing for the court the background information needed to determine the appropriate sentence.

"Probation" means a procedure under which a respondent, found guilty of a crime upon verdict or plea, is released by the court, without confinement, subject to conditions imposed by the court and subject to the supervision of the commissioner. 28 V.S.A. § 201.

“Reintegration furlough” means the person has served almost all of his or her minimum sentence and has been released to the community under the supervision of the commissioner of corrections.

“Restorative justice” is a program that is ordered as a condition of a sentence of probation for the purpose of obtaining probationer accountability, repairing harm and compensating a victim or victims and the community, increasing a probationer's awareness of the effect of his or her behavior on a victim or victims and the community, and identifying ways to help a probationer comply with the law.

"Supervised community sentence" means a form of imprisonment to be served outside the walls of a correctional facility, subject to the rules of the commissioner and subject to revocation and incarceration. 28 V.S.A. § 351.

“Work release program” is when an inmate at a correctional facility is voluntarily employed outside the facility. The commissioner may permit such employment if it is determined to be in the best interest of the inmate and of the state. 28 V.S.A. § 753.

DRAFT

FAMILY LAW

"Abuse" means the occurrence of one or more of the following acts between family or household members: (A) Attempting to cause or causing physical harm. (B) Placing another in fear of imminent serious physical harm. (C) Abuse to children as defined in subchapter 2 of chapter 49 of Title 33. (D) Stalking as defined in 12 V.S.A. § 5131(6). (E) Sexual assault as defined in 12 V.S.A. § 5131(5). 15 V.S.A. chapter 21.

"Abused or neglected child" means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. An "abused or neglected child" also means a child who is sexually abused or at substantial risk of sexual abuse by any person. 33 V.S.A. § 4912.

"Child" as used in the law related to desertion and support, means a child who is under the age of 18 years, or is under the age of 21 years and is a student regularly attending a school, college or university or their equivalent, or is regularly attending a course of vocational or technical training designed to fit the child for gainful employment, and shall include a "stepchild" under such age. The words "adult child," as so used, shall mean a child over the age of minority.

"Child Protection Registry" maintained by DCF, it lists individuals who have been substantiated by DCF to have abused or neglected a child. This process is separate from any criminal proceeding that may occur.

"CHINS" means child in need of care or supervision. 33 V.S.A. chapter 53.

"Civil union" means that two eligible persons have established a relationship pursuant to Vermont law, and may receive the benefits and protections and be subject to the responsibilities of spouses. Parties may no longer establish a civil union, but existing civil unions are recognized as valid.

"Decree nisi" means "unless" in Latin. It is a court order that does not have any force until such time that a particular condition is met, such as a subsequent petition to the court or the passage of a specified period of time. In Vermont, a decree of divorce from the bonds of matrimony shall be a decree nisi and shall become absolute at the expiration

of three months from the entry thereof but, in its discretion, the court which grants the divorce may fix an earlier date upon which the decree shall become absolute.

“**DCF**” means the Department for Children and Families.

“**Guardian ad litem**” means a guardian appointed by a court to protect the interests of a minor or incompetent adult in a particular matter. In all cases involving parental rights and responsibilities the court may appoint a guardian ad litem to represent the best interests of the child.

“**Household members**” means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. “Dating” means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include: (A) the nature of the relationship; (B) the length of time the relationship has existed; (C) the frequency of interaction between the parties; (D) the length of time since the relationship was terminated, if applicable.

“**Legal responsibility**” means the rights and responsibilities to determine and control various matters affecting a child's welfare and upbringing, other than routine daily care and control of the child. These matters include but are not limited to education, medical and dental care, religion and travel arrangements. Legal responsibility may be held solely or may be divided or shared.

“**Legal separation**” means a court-decreed right to live apart, with the rights and obligations of divorced persons, but without divorce. A legal separation forever or for a limited time may be granted for any of the causes for which an absolute divorce may be granted, and may include requests for child custody, alimony, child support and division of property.

“**Marriage**” means the legally recognized union of two people. When used in this chapter or in any other statute, the word “marriage” shall mean a civil marriage. Terms relating to the marital relationship or familial relationships shall be construed consistently with this section for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law, or any other source of civil law.

“**Obligee**” means the person found to be legally entitled to receive support or any person to whom the obligee has assigned or authorized all rights of collection.

"Obligor" means the person required to pay support under a support order.

"Parent child contact" means the right of a parent who does not have physical responsibility to have visitation with the child.

"Parental rights and responsibilities" means the rights and responsibilities related to a child's physical living arrangements, parent child contact, education, medical and dental care, religion, travel and any other matter involving a child's welfare and upbringing. *See legal responsibility and physical responsibility.*

"Physical responsibility" means the rights and responsibilities to provide routine daily care and control of the child subject to the right of the other parent to have contact with the child. Physical responsibility may be held solely or may be divided or shared.

"Protection order" means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. Commonly referred to as an APO, abuse protection order.

"Support" means periodic payments ordered for the support of dependent children or, for more limited purposes, a spouse. Support includes periodic amounts to be applied toward unpaid arrearages.

"Wage withholding order" means a transfer from the obligor to the obligee of the right to receive a portion of the obligor's wages directly from the obligor's employer.