

Definitions of Legal Terms



TWENTY-FIRST JUDICIAL CIRCUIT: Kankakee County
First Edition, 2017

A

affidavit: A written and notarized statement signed by a person under oath.

alias summons: A "second try" at serving a summons when the first try is unsuccessful.

appearance and consent form: A form signed by a respondent giving up the right to be actively involved in the case, instead agreeing to accept whatever judgment the court decides.

allegation: a claim that has not been proven or disproved

allocation of parental responsibilities (formerly "custody"): When a court splits up parenting time, decision-making responsibilities, and child support between parents.

asset: Anything a person owns that has monetary value.

answer (or "response"): A document filed by a respondent/defendant that responds to the allegations set out in the complaint. An answer is one of the pleadings in a lawsuit.

appearance: 1) A form that lets the plaintiff and the court know the defendant is participating in the case. 2) Showing up in court on a specific date for a hearing.

attorney: Another word for lawyer. Someone licensed to practice law.

C

case caption: The portion of each court document that states the name and jurisdiction of the court, the parties, the case number, and the title of the document.

case management date: Usually the first court appearance after a case is begun, where the parties and the judge meet to discuss the issues in the case and the next steps.

case number: A unique number assigned to a case that is on every paper filed in the case.

circuit court: The lowest level of court in Illinois; a local trial court.

child support: Money paid by a parent to help another parent support a minor child or children.

circuit clerk/court clerk: The courthouse office that takes care of documents and filing for court cases.

clerk (judge's): A judge's assistant who handles scheduling of cases and the judge's docket.

complaint: A type of petition that starts a lawsuit by saying what the defendant did.

contested issue: An issue in a case that parties do not agree on.

contested case: when both sides to a case present opposing arguments and evidence

continuance: When a judge reschedules a trial or hearing for a later date.

counsel: Another word for a lawyer (an attorney).

creditor: Someone who is owed money (by a *debtor*).

custody: See *allocation of parental responsibilities* (new term for custody).

D

debtor: Someone who owes money.

default judgment: When a person loses a case because they do not file an appearance or show up in court.

discovery: The part of a lawsuit where both parties formally exchange information relevant to the case.

dismiss (a lawsuit): To terminate a lawsuit before it goes to hearing or to trial.

dissolution of marriage: A divorce.

docket: (1) A list of every court appearance and document filed in a single case.
(2) A schedule of the day's cases heard by the judges.

F

filing: Submitting original documents to the court clerk to be recorded as part of the official case file.

file-stamp: The way a court clerk marks down the date and time of filing on a document.

filing fee: The cost charged to file a document in the courthouse.

fee waiver: A document signed by a judge that lets someone file court documents for free.

H

hearing: A court date where the parties appear to present their sides of the case to the judge.

J

judgment: An official decision by a court that ends the dispute between parties.

jurisdiction: The legal authority of a court to hear and decide a case.

L

lawyer: A person who is licensed to practice law, which includes bringing or defending cases in court and giving legal advice.

legal advice: Professional advice on how the law applies to a certain set of facts; advice on how to proceed in a case. Only lawyers may give legal advice.

legal information: Information about laws that does not involve applying the law to a set of facts.

litigant: A person who is suing or being sued; a *party* to a lawsuit.

M

mediation: When a neutral person, called a mediator, works to help the parties in a case reach an agreement.

motion: A written request to ask the judge to make a party to the case do something.

moving party: The party that filed a motion.

N

notary public: A person who certifies that another person signed a document.

notice of motion: A document that gives notice to the court and the other party that someone has filed a motion, and where and when that motion will be heard.

O

oath: A solemn affirmation that statements made by the person are true.

order: A document signed by a judge stating terms that the parties are legally required to follow.

P

parenting plan: A document saying which parent will make what decisions for a child, where the child will live, and when each parent will spend time.

parenting time (formerly "visitation"): Time spent between a parent and child.

party (to a lawsuit): Any person who is either suing (the petitioner/plaintiff) or being sued (the respondent/defendant).

petition: A written request to a court.

petitioner (also called "plaintiff"): A person who makes a written request to a court. Usually, the petitioner is the person who begins a lawsuit.

pleadings: The court documents that start a case by stating and answering the issues in controversy. Usually "pleadings" are 1) the complaint filed by the plaintiff/petitioner and 2) the answer filed by the defendant/respondent.

pretrial: A meeting between the judge, the parties, and their attorneys to resolve issues before the trial starts.

proof (of delivery, mailing, service): A form saying when a court document was delivered, mailed, or served on a person in the case.

pro se litigant: A self-represented litigant. Someone suing or being sued without being represented by a lawyer.

R

respondent (also called "defendant"): A person who has a petition filed against them. Usually, the respondent is the person who answers a lawsuit begun by a petitioner.

S

service: Delivering court documents to another party.

setting: Appearing in court to schedule a hearing at a later date.

settle (a lawsuit): To resolve a case before going to trial.

spousal support: Money paid by one spouse to another.

status date: A short hearing where parties or their attorneys appear in court to discuss where the case stands.

subscribe: To sign your name.

sue: To start a civil lawsuit.

summons: A notice to defendants/respondents, saying a lawsuit was filed against them and that they must appear in court.

swear to (also "affirm"): To knowingly promise to tell the truth.

T

trial: When the issues of a case are heard in court and decided by a judge or jury.

V

venue: The particular court where a lawsuit is filed.

W

waive (a fee): To excuse from having to pay; to allow to do something for free.

waive (rights): To give up legal rights.