

GLOSSARY

ABANDONMENT

Act of a parent or caretaker leaving a child without adequate supervision or provision for his/her needs for an excessive period of time.

ABRASION

Wound in which an area of the body surface is scraped of skin or mucous membrane.

ABUSE

Any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his/her care, custody and control.

ADAPTATION REACTION

Reactions to overt environmental circumstances tend to be circumscribed and specific to the situation.

ADJUDICATION

The process of rendering a judicial decision about whether the facts alleged in a petition or other pleading are true. The pronouncement of a judgment based on the evidence presented.

ADMISSIBLE

Proper to be used as evidence regarding a decision. Evidence is admissible when it may be properly used by the trier of fact in deciding a question of fact.

ADMISSION

Voluntary statement that a fact is true.

ADOPTION

A legal proceeding in which an adult takes in, as his/her lawful child, a minor who is not the adoptive parents' natural offspring. The adopted minor loses all legal connection to the previous parent(s), and the adoptive parent(s) undertakes permanently the responsibility of providing for the child.

ADOPTION ASSISTANCE & CHILD WELFARE ACT OF 1980 (PL 96-272)

In order to be eligible for federal funds, states must document that they have: made reasonable efforts to provide preventive and reunification services to families when children have been placed out of the home; provided written case plans and a case review system. Removal of children from home must be pursuant to a judicial determination and there must be periodic reviews of the case.

ADVOCACY

Interventive strategy in which a helping person assumes an active role in assisting or supporting a specific child/or family, or a cause on behalf of children and/or families. This could involve finding and facilitating services or promoting program coordination. The advocate uses his/her power to meet client needs or to promote causes.

AFFIDAVIT

A written statement, signed in the presence of a Notary Public who "swears in" the signer. The contents of the Affidavit are stated under penalty of perjury. Affidavits are frequently used as part of the initiation of Juvenile Court cases, and at times are presented to the court as part of the evidence at a hearing.

AGAINST MEDICAL ADVICE (AMA)

Going against the orders of a physician. In cases of child abuse or neglect, this usually means the removal of a child from a hospital without the physician's consent.

ALLEGATION

An assertion or statement of a party to a legal action, which sets out what he or she expects to prove. In a child abuse case, the allegation forms the basis of the petition or accusation containing charges of specific acts of maltreatment, which the petitioner hopes to prove at the trial.

APPEAL

The attempt to have a final order of trial court changed by seeking review of a higher court. Usually appeals are made and decided upon questions of law only; issues of fact (e.g. did the minor suffer an accident or was he intentionally injured?) are left to the trial judge or jury, and seldom can be re-decided in an appeal.

APPOINTED COUNSEL

Attorney ordered by the court to render legal assistance to one unable for a variety of reasons to obtain his or her own counsel.

ARRAIGNMENT

The bringing of a person accused of a crime before a court to be advised of the charges against him or her and to state his or her answer to the charges.

ASSAULT

Intentional or reckless threat of physical injury to a person. Aggravated assault is committed with the intention of carrying out a threat of other crimes. Simple assault is committed without the intention of carrying out the threat, or if the attempt at injury is not complete.

BATTERED CHILD SYNDROME

Introduced in 1962 by Henry Kempe, M.D. in the journal of the American Medical Association in an article describing a combination of physical and other signs indicate that a child's internal and/or external injuries result from acts committed by a parent or caretaker. In some states, the battered child syndrome has been judicially recognized as an accepted medical diagnosis. Frequently, this term is misused or misunderstood as the only type of child abuse and neglect.

BATTERED WOMEN

Women who are victims of non-accidental physical and/or psychological injury inflicted by a spouse or mate. There seems to be a relationship between child abuse and battered women, with both often occurring in the same family.

BATTERY

Offensive contact or physical violence with a person without his/her consent, and which may or may not be preceded by a threat or assault. Because a minor cannot legally give consent, any such contact of violence against a child is considered battery. The action may be aggravated, meaning intentional or it may be simple, meaning that the action was not intentional or did not cause severe harm. Assault is occasionally used to mean attempted battery.

BEST INTERESTS OF THE CHILD

Child Standard for deciding among alternative plans for abused or neglected children. Usually it is assumed that it is in the child's best interest and least detrimental if the child remains in the home, provided that the parents can respond to treatment. However, the parent's potential for treatment may be difficult to assess and it may not be known whether the necessary resources are available. A few authorities believe that except where the child's life is in danger it is always in the child's best interest to remain in the home. This view reflects the position that in evaluating the least detrimental alternative and the child's best interest, the child's psychological as well as physical wellbeing must be considered.

BIFURCATED

In two parts or sections. A hearing held in two parts is called a bifurcated hearing.

BONDING

The psychological attachment of mother to child which develops during and immediately following childbirth. Bonding appears to be crucial to the development of a healthy parent/child relationship. Bonding is normally a natural occurrence but it may be disrupted by separation of mother and baby or by situational or psychological factors causing the mother to reject the baby at birth.

BORDERLINE PERSONALITY

Widely used category to define persons who are "felt" not to be psychotic but are severely disturbed.

BURDEN OF PROOF

The duty which falls on a party, usually upon the petitioner, of proving the allegations against a child or parent in a court trial. It is the petitioner's responsibility to prove the case; neither the child nor the parents have the duty to explain unproven allegations. See also Standard of Proof.

BURNS

1. 1st degree: Scorching or painful redness of skin.
2. 2nd degree: Formation of blisters.
3. 3rd degree: Destruction of outer layers of the skin.

CHILD ABUSE AND NEGLECT

All-inclusive term, as defined in the Child Abuse Prevention and Treatment Act, for "the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare."

CHILD ABUSE PREVENTION AND TREATMENT ACT (PL 93-247)

Act introduced and promoted in Congress by then U.S. Senator Walter Mondale and signed into law on January 31, 1974. The act established the National Center on Child Abuse and Neglect in the HEW Children's Bureau and authorized annual appropriations. The purpose of the National Center is to conduct and compile research; provide an information clearinghouse; compile and publish training materials; provide technical assistance; investigate national incidence; and fund demonstration projects related to prevention, identification, and treatment.

CHILD DEVELOPMENT

Pattern of sequential stages of interrelated physical, psychological and social development in the process of maturation from infancy and total dependence to adulthood and relative independence. Abusive or neglectful parents frequently impair a child's healthy growth and development because they do not understand child development or are otherwise unable to meet the child's physical, social, and psychological needs at a given state or stages of development.

CHILD PROTECTION SERVICES

A specialized child welfare service, usually part of a county department of public welfare, legally responsible in most states for investigating suspected cases of child abuse and neglect and intervening in confirmed cases.

CIVIL PROCEEDING

Also called a "civil action," includes all lawsuits other than criminal prosecutions. Juvenile and Family Court cases are civil proceedings. See Standard of Proof.

COMPETENCY

In the law of evidence, a witness's ability to observe, recall, and recount under oath what happened.

CONCUSSION

An injury of a soft structure resulting from violent shaking or jarring; usually refers to a brain concussion.

CONFIDENTIALITY

Professional practice of not sharing with others information entrusted by a client or patient. Sometimes communications from parent to physician or social worker are not used in court, and many physicians are social workers are torn

between legal vs. professional obligations. Confidentiality, which is protected by statute, is known as privileged communication.

CONGENITAL

Refers to any physical condition present at birth, regardless of its cause.

CONTEMPT

- ◆ An affront to the court or tribunal in question.
- ◆ An obstruction of the court's work.
- ◆ Disobedience of a judge's command.

CONTINUANCE

Postponement of legal action, such as a lawsuit, until a later time.

CONTRAINICATION

Reason for not giving a particular drug or prescribing a particular treatment, as it may do more harm than good.

CONTUSION

A wound-producing injury to soft tissue without a break in the skin, causing bleeding into surrounding tissues.

CORPORAL PUNISHMENT

Physical punishment inflicted directly upon the body. Some abusive parents mistakenly believe that corporal punishment is the only way to discipline children, and some child development specialists believe that almost all parents must occasionally resort to corporal punishment to discipline or train children. Other professionals believe that corporal punishment is never advisable.

COURT ORDER

- ◆ Directive issued by the court having the authority of the court and enforceable as law.
- ◆ Written command or directive given by the judge.

CREDIBILITY

Believability of a person, especially a witness.

CRIMINAL PROSECUTION

The process involving the filing of charges of a crime, followed by arraignment and trial of the defendant. Criminal prosecution may result in fines, imprisonment and/or probation. Criminal defendants are entitled to acquittal unless charges against them are proven beyond reasonable doubt. Technical rules of evidence exclude many kinds of proof in criminal trials, even though that proof might be admissible in civil proceedings.

CRISIS INTERVENTION

Action to relieve a specific stressful situation or series of problems which are immediately threatening to a child's health and/or welfare. This may involve alleviation of parental stress through provision of emergency services in the home and/or removal of the child from the home.

CUSTODY

As applied to children, the right to care and control and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child. Legal custody may be taken from a parent or given up by a parent by a court action or review by the court. Temporary custody may be granted for a period of months or in the case of protective or emergency custody, for a period of hours or several days.

DAY TREATMENT

Program providing treatment as well as structural supervision for children with identified behavioral problems, including abused and neglected children, while they remain in their own, foster or group homes. Day treatment services usually include counseling with families or caretakers with whom the children reside.

DEFAULT

In cases where individuals have been given appropriate and sufficient information as to the action pending in court and the date and place of the court hearing, and the individual still does not appear for the hearing, the court may grant the state agency's petition by "default."

DELINQUENCY

The commission of an illegal act by a juvenile.

DEPENDENCY

Referring to cases of children whose natural parent(s) cannot or will not properly care for them or supervise them so that the state must assume this responsibility. The general term used to categorize abused or neglected children. The specific term used to indicate that the court has assumed some form of responsibility for the child.

DETENTION

The temporary keeping (by public authority) of a person. In child abuse and neglect cases, minors are often detained in shelter care facilities, foster homes, group homes, or hospitals pending trial in Juvenile Court, when it is believed unsafe for the minor to remain with his or her own parents.

DISCIPLINE

Training that develops self-control, self-sufficiency, and orderly conduct.

Discipline is often confused with punishment, particularly by abusive parents who resort to corporal punishment. Although interpretations of both “discipline” and “punishment” tend to be vague and often overlapping, there is some consensus that discipline has positive connotations and punishment is considered negatively. Some general comparisons between the terms are:

- ◆ Discipline can occur before, during and/or after an event; punishment occurs only after an event.
- ◆ Discipline is based on respect for a child and his/her capabilities; punishment is based on behavior or events.
- ◆ Discipline implies that there is an authority figure; punishment implies power and dominance vs. submissiveness.
- ◆ The purpose of discipline is educational and rational; the purpose of punishment is to inflict pain, often in an attempt to vent frustration or anger.
- ◆ Discipline focuses on deterring future behavior by encouraging development of internal controls; punishment is a method of external controls which may or may not alter future behavior.
- ◆ Discipline can strengthen interpersonal bonds and recognizes individual means and worth; punishment usually causes deterioration of relationships and is usually a dehumanizing experience.
- ◆ Both discipline and punishment behavior patterns may be transmitted to the next generation.

DISCOVERY

The system of pre-trial procedures which enable the parties involved in a court proceeding to find out about the positions taken by the other parties and the facts which those parties believe support their positions.

DISCRETION

Power to act allowing some leeway for action. “Discretionary action” is action not mandated or compelled by some rule, order or guideline.

DISMISSAL

An action by the judge that removes a given case from the court.

DISPOSITION

The order of a juvenile or family court issued at a hearing which determines whether a minor, already found to be a dependent child, should continue in or return to the parental home, and under what kind of supervision or whether the minor should be placed out-of-home, and in what kind of setting; a relative’s home, foster home, or institution. Disposition in a civil case parallels sentencing in a criminal case.

DOCKET

Schedule of cases on the calendar to be heard by a court.

DUE PROCESS

The rights of a person involved in legal proceedings to be treated with fairness. These rights include the right to adequate notice in advance of hearings, the right to notice of allegations of misconduct, the right to assistance of a lawyer, the right to confront and cross-examine witnesses, and the right to refuse to give self-incriminating testimony. In child abuse or neglect cases, courts are granting more and more

due process to parents in recognition of the fact that loss of parental rights, temporarily or permanently, is as serious as loss of liberty.

EMANCIPATION

A term used to describe a condition whereby the child may be released from all of the restraints of childhood and receive the duties, privileges, and responsibilities of adulthood.

EVIDENCE

Any sort of proof submitted to the court for the purpose of influencing the court's decision. Some special kinds of evidence are:

- ◆ Circumstantial: Proof of circumstances which may imply another fact. For example, proof that a parent kept a broken appliance cord may connect the parent to infliction of unique marks on a child's body.
- ◆ Direct: Generally consisting of testimony of the type such as a neighbor stating that s/he saw the parent strike the child with an appliance cord.
- ◆ Hearsay: Testimony about an out-of-court statement made by someone other than the person testifying, and introduced into evidence in order to prove the truth of the matter asserted by that other person. For example, "I heard him say that the child had been left alone for ten hours." Such a statement would not normally be permissible to prove the fact that the child had been left alone for ten hours. Instead, it would be necessary for the person who actually made the statement to testify personally in case so, at least, the opposing attorney would be able to cross-examine and "test" the truth and/or accuracy of that statement. There are numerous exceptions to the hearsay rule, however. For example, admissions or confessions made by a

parent in a child abuse and neglect case may be testified to by a witness who heard the statement.

- ◆ Opinion: Although witnesses are usually not permitted to testify to their beliefs or opinions, being restricted instead to reporting what they actually saw or heard, when a witness can be qualified as an expert on a given subject, s/he can report his/her conclusions, for example, "Based upon these marks, it is my opinion as a doctor that the child must have been struck with a flexible instrument very much like this appliance cord." Lawyers are sometimes allowed to ask qualified experts "hypothetical questions," in which the witness is asked to assume the truth of certain facts and to express an opinion based on these "facts."

- ◆ Physical: Any tangible piece of proof such as a document, x-ray, photograph, or weapon used to inflict an injury. Physical evidence must usually be authenticated by a witness who testifies to the connection of the evidence (also called an exhibit) with other facts in the case.

EXAMINATION

- ◆ Cross-questioning an opposing witness at a trial or hearing, usually subsequent to his or her direct examination.
- ◆ Direct examination of a witness by the person who has called him or her as a witness.

EXHIBIT

Physical evidence used in court. In a child abuse case, an exhibit may consist of x-rays, photographs of the child's injuries, or the actual materials presumably used to inflict the injuries. (see also Evidence)

EX PARTE

An ex parte judicial proceeding is one brought for the benefit of one party only, without notice to or challenge by an adverse party.

EXPERT TESTIMONY

Witnesses with various types of expertise may testify in child abuse or neglect cases. Experts are usually questioned in court about their education or experience which qualifies them to give professional opinions about the matter in question. Only after the judge or referee determines that the witness is, in fact, sufficiently expert in the subject matter may that witness proceed to state his/her opinions. (see also Evidence)

FAILURE TO THRIVE SYNDROME (FTT)

A serious medical condition most often seen in children under one year of age. A FTT child's height, weight and motor development fall significantly short of the average growth rates of normal children. In about 10% of FTT cases, there is an organic cause such as serious heart, kidney, or intestinal disease, a genetic error of metabolism, or brain damage. All other cases are a result of a disturbed person-child relationship manifested in severe physical and emotional neglect of the child.

FAMILIES AT RISK

May refer to families evidencing potential for child abuse or neglect because of a conspicuous, severe parental problem, such as criminal behavior, substance abuse, mental retardation or psychosis. More often refers to families evidencing high potential for abuse or neglect because of risk factors which may be less conspicuous but multiple. These include: environmental situations such as

unemployment or work dissatisfaction, social isolation, lack of childcare resources, and/or family stress such as marital discord, emotionally immature parent with a history of abuse or neglect as a child, unwanted pregnancy, hyperactive or handicapped baby or child, siblings a year or less apart, sudden changes in family due to separation or death, or parental ignorance of childcare and child development.

FAMILY DYNAMICS

Interrelationships between and among individual family members. The evaluation of family dynamics is an important factor in the identification, diagnosis, and treatment of child abuse and neglect.

FAMILY DYSFUNCTION

Ineffective functioning of the family as a unit or of individual family members in their family role because of physical, mental, or situational problems of one or more family members. A family which does not have or use internal or external resources to cope with its problems or fulfill its responsibilities to children may be described as dysfunctional. Child abuse and neglect is evidence of family dysfunction.

FAMILY PRESERVATION SERVICES

Intensive, short-term service delivery programs which provide family therapy, teach skills, and help families obtain basic services, such as food and housing in an effort to respond to families at imminent risk of removal of the children. These short-term services have shown to be cost-effective compared to foster care, and effective in outcome.

FAMILY SYSTEM

The concept that families operate as an interacting whole and are an open system, so that any factors in the environment affect the functioning of family members and their interaction among members.

FELONY

A serious crime, for which the authorized punishment is imprisonment for longer than a year, or a fine greater than \$1000 or both. Distinguished from misdemeanors which have lesser penalties.

FOSTER CARE

A form of temporary substitute care, usually in a home licensed by a public agency, for children whose welfare requires that they be removed from their own homes.

FRACTURE

A broken bone, which is one of the most common injuries suffered among battered children. The fracture may occur in several ways, but the type most commonly associated with child abuse is the spiral fracture. It is caused by the twisting of the arm or leg and has a pattern similar to a spiral staircase.

GAULT DECISION

A landmark U.S. Supreme Court case which states that juvenile court proceedings must measure up to the essentials of due process and fair treatment under the 14th amendment.

Namely, the juvenile must be:

- ◆ Given proper notice of charges.
- ◆ Represented by counsel.
- ◆ Protected against self-incrimination.
- ◆ Able to confront and cross-examine witnesses.

GUARDIAN AD LITEM (GAL)

Adult appointed by the court to represent the child in a judicial proceeding. Under the Child Abuse Prevention and Treatment Act, P.L. 93-247, a state cannot qualify for federal assistance unless it provides by statute “that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings.” Such guardians are usually appointed to safeguard the rights of persons otherwise incapable of handling their own interests.

HEAD START

A nationwide comprehensive program for disadvantaged pre-school children, funded by the HEW Administration for Children, Youth and Families, to meet the educational, nutritional and health needs of the children and to encourage parent participation in their children’s development.

HEMATOMA

A swelling caused by a collection of blood in an enclosed space, such as under the skin or the skull.

HOMEMAKER SERVICES

Provision of assistance, support and relief for parents who may be unable or unwilling to fulfill parenting functions because of illness or being overwhelmed with parenting responsibilities. A homemaker is placed in a home on an hourly or weekly basis and assists with housekeeping and child care while demonstrating parenting skills and providing some degree of nurturance for parents and children.

IN CAMERA

Literally, “in chambers”, a hearing or judicial proceeding conducted in a judge’s chamber, privately, or where the public is not present.

IMMUNITY, LEGAL

Legal protection from civil or criminal liability. Child abuse and neglect reporting statutes often confer immunity upon persons mandated to report, giving them an absolute defense against libel, slander, invasion of privacy, false arrest, and other lawsuits which the person accused of the act might file. Some grants of immunity are limited only to those persons who report in good faith and without malicious intent.

IN LOCO PARENTIS

“In the place of a parent.” Refers to actions of a guardian or other non-parental custodian.

INCEST

A sexual act between two persons who are related. Includes descendant by blood or adoption, stepchild (while marriage creating their relationship still exists), brother, half-brother, sister, half-sister, niece and nephew. While incest and sexual abuse are sometimes thought to be synonymous, it should be realized that incest is only one aspect of sexual abuse. Incest can occur within families between members of the same sex, but the most common form of incest is between father and daughter. It is generally agreed that incest is much more common than the number of reported cases indicates. It should be noted that sexual relations between relatives may be defined as incest, but that incest is not considered child sexual abuse unless a minor is involved. Intrafamilial Sexual Abuse is the term

used in some states to identify child protection cases in juvenile court.

INTERSTATE COMPACT

Agreement between states that has been passed as law by the states and been approved by Congress governing out of state placements of children; defines financial and supervisory responsibilities and guarantees constitutional protections.

JURISDICTION

The power of a court to hear particular types of cases. Three general areas are relevant in determining whether a court has jurisdiction in a particular case:

1. The subject matter of the case (e.g. divorce, criminal prosecutions, child protection)
2. The territorial limitations of the court (e.g. where the parties and/or defendants reside where the property whose title is in dispute is located, where the criminal acts occurred)
3. The procedures used to notify the defendants that a case has been filed (e.g. was service of summons properly made).

Generally speaking, juvenile courts have subject matter jurisdiction over cases including minors. They have geographic jurisdiction over an entire county, and they have jurisdiction over minors or their parents only if they have been given proper legal notice of the proceedings.

LACERATION

A jagged cut or wound.

LATCH KEY CHILDREN

Working parents’ children who return after school to a home where no parents or caretaker is present. This term was

coined because these children often wear a house key on a chain around their necks.

LEADING QUESTION

Questions which imply a response and require only a “yes” or “no” answer.

LESION

Any injury to any part of the body from any cause that results in damage or loss of structure or function of the body tissue involved. A lesion may be caused by poison, infection, dysfunction, or violence, and may be either accidental or intentional.

MALNUTRITION

Failure to receive adequate nourishment. Often exhibited in a neglected child, malnutrition may be caused by inadequate diet (either lack of food or insufficient amounts of needed vitamins, etc.) or by a disease or other abnormal condition affecting the body’s ability to properly process foods taken in.

MALTREATMENT

Actions that are abusive, neglectful, or otherwise threatening to a child’s welfare. Frequently used as a general term for child abuse and neglect.

MANDATED REPORTERS

Persons designated by state statutes who are legally liable for reporting suspected cases of child abuse and neglect to the authorities. The persons so designated vary according to state law, but they are primarily professionals, such as pediatricians, nurses, school personnel, and social workers, who have frequent contact with children and families.

MISDEMEANOR

A category of crime, for which the authorized punishment is no more than one year imprisonment (usually in county jail rather than state prison) or a fine of \$1000 or both. Distinguished from a felony which has more serious penalties.

MOLESTATION

Sexual act with a child, which is usually progressive in nature, beginning with fondling and escalating over time.

MOTION

Request that the judge in a trial or hearing take some action.

MOTION TO MODIFY

A written document stating the basis for a request that the prior orders of the court be changed.

NEGLECT

Failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child’s physical or mental health when reasonably able to do so.

NEUROSIS

Marked emotional disorder without loss of contact with reality and a history of relatively normal developments.

NURTURANCE

Affectionate care and attention provided by a parent, parent substitute or caretaker to promote the well-being of a child and encourage healthy emotional and physical development. Nurture may also be needed by adults with

inadequate parenting skills, or who were themselves abused or neglected as children and as a way of strengthening their own self-esteem.

OBJECTION

During court proceedings, if a party believes that any question or tactic by the examining attorney is improper, that party may “object.” When an objection is made, the judge will either sustain or overrule the objection. If the judge overrules the objection, the witness may answer the question. If the judge sustains the objection the witness may not answer the question.

OPENING STATEMENT

Statement made by an attorney at the start of the trial or at the beginning of his or her presentation. Opening statement summarizes the attorney’s position and usually what he or she hopes to prove.

ORDER

In legal practice, an order is a written direction of a court or judge, other than a judgment.

PARENS PATRIA

“The power of the sovereign?” refers to the state’s power to act for or on behalf, such as minors, incompetents or some developmentally disabled.

PARENTING SKILLS

A parent’s competencies in providing physical care, protection, supervision and psychological nurturance appropriate to a child’s age and stage of development. Some parents, particularly those whose own parents demonstrated these skills have these competencies without formal training, but adequacy of these skills may be improved through instruction.

PARENTS ANONYMOUS

Self-help group for parents who want to stop physical, psychological, sexual or verbal abuse of their children. Because members do not need to reveal their full names, they feel free to share concerns and provide mutual support.

PARENTS’ RIGHTS

Besides the rights protected by the Constitution for all adults, society accords parents the right to custody and supervision of their own children, including, among others, parents’ rights to make decisions about their children’s health care.

PARTY

Person concerned with or actively taking part in proceeding.

PATERNITY

Refers to the father of the child. The biological and legal father may be the same person, but not always. The biological father is the man who participated in the child’s conception. The legal father is the man married to the mother at the time of the child’s conception or birth. “Alleged Father” means that the mother has named this particular man as the father. “Acknowledged Father” means that an Affidavit of Paternity has been signed by the father. “Adjudicated Father” means that the court has determined a particular man to be the father, usually through a process hearings and blood tests.

PERSONALITY DISORDERS

Relatively fixed abnormalities of personality of behavior and relationships, which are ingrained in the personality structure.

PETITION

The document filed in Juvenile Court at the beginning of a neglect, abuse or delinquency case. A copy of the petition must be delivered to specified members of the family involved. The petition sets for the allegations which, if true, form the basis for court intervention.

PETITIONER

Person who files a petition.

PHYSICAL ABUSE

Any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical injury that cannot reasonably be explained by the child's history of injuries.

PLACEMENT

The removal of a child from his/her natural home, placing him/her in a different custodial setting for more than a short period of time. Placement may be in a foster home, group home, relative's home or institution.

PLAINTIFF

The person who brings an action or files a civil lawsuit.

PRECEDENT

- ◆ Occurrence required prior to the happening of something else, e.g. prior to driving, you must possess a license- this is a condition precedent.
- ◆ Prior court decisions relied upon in deciding a similar legal problem occurring later.

PREVENTION OF CHILD ABUSE AND NEGLECT

Elimination of the individual and societal causes of child abuse and neglect.

Primary prevention: Providing societal and community policies and programs which strengthen all family functioning so that child abuse and neglect is less likely to occur.

Secondary prevention: Intervention in the early signs of child abuse and neglect for treatment of the presenting problem and to prevent further problems from developing.

Tertiary prevention: Treatment after child abuse and neglect has been confirmed.

PRIMA FACIE

A latin term approximately meaning "on the first appearance" or "on the face of it." In law, this term is used in the context of a "prima facie case." This is, the presentation of evidence at a trial which has been sufficiently strong to prove the allegations, unless contradicted and overcome by other evidence. In a child maltreatment case, the allegations of maltreatment will be considered as proven unless the parent presents rebutting evidence.

PRIVILEGED COMMUNICATIONS

Confidential communications which are protected by statutes and need not or cannot be disclosed in court over the objections of the holder of the privilege. Lawyers are almost always able to refuse to disclose what a client has told them in confidence. Priests, rabbis, and ministers are similarly covered. Doctors and psychotherapists have generally lesser privileges, and their testimony can be compelled in many cases involving child abuse or neglect. (see also Confidentiality).

PROBATION

In criminal or delinquency cases, a disposition which allows the convicted criminal-defendant or the juvenile found to be delinquent to remain at liberty, under a suspended sentence of imprisonment, generally under the supervision of a probation officer, and usually under certain conditions. In child protective cases, a disposition which provides legal authority for the agency to supervise the conditions of the home. Violation of a condition is grounds for revocation of the probation; and it is in this power of the court to condition the release of a child, and to revoke the release later, that juvenile courts obtain practical power over adults. The court may require parents to make certain promises as a condition of returning the child to the parental home, and can enforce the promises with the threat of revocation.

PRO BONO

Attorneys' services rendered at no charge.

PRO SE

To act as one's own legal counsel.

PROBABLE CAUSE

A legal standard used in a number of contexts which indicates reasonable ground for suspicion of belief in the existence of certain facts. Facts accepted as true after a reasonable inquiry which would induce a prudent and cautious person to believe them.

PROTECTIVE CUSTODY

In child abuse and neglect cases, the emergency removal of a child from his home when the child would be in imminent danger if allowed to remain with the parent(s) or custodian(s).

PSYCHOLOGICAL TESTS

Instruments of various types used to measure emotional, intellectual, and personality characteristics. Psychological tests should always be administered and interpreted by qualified personnel. Such tests have been used to determine potential for abuse or neglect, or psychological makeup of parent or children.

PSYCHOTIC PERSON

A person who suffers a major mental disorder where the individual's ability to think, respond emotionally, remember, communicate, interpret reality, or behave appropriately is sufficiently impaired so as to interfere with his/her capacity to meet the ordinary demands of life. The term "psychotic" is neither very precise nor definite. It is estimated that well under 10% of all abusive or neglectful parents are psychotic.

REASONABLE EFFORTS

With reference to PL 96-272, prevention and reunification services provided by the social service agency to children/families and documented in writing by the judge in the court order. It is the judge who determines whether the agency has made "reasonable efforts" to prevent the child's placement and reunify the family. The two factors central to this determination are the quality of the efforts and the nature of the services offered. Quality of effort refers to a reasonable level of diligence and good judgment and the absence of negligence. Nature of services refers to the availability of services to meet the needs of the child/family,

RES IPSA LOQUITOR

“The thing speaks for itself.” An inference that a person did something wrong because whatever caused the hurt was within his/her exclusive control.

REPORTING LAWS

State laws which require specified categories of persons, such as professionals involved with children, and allow other persons to notify public authorities of cases of suspected child abuse and neglect. All 50 states now have reporting statutes, but they differ widely with respect to types of instances which must be reported, persons who must report, manner of reporting (written, oral, or both), and the degree of immunity conferred upon reporters.

REVIEW HEARING

Required periodic, sometimes annual, reviews of dependency cases conducted by juvenile courts to determine whether court supervision is necessary, and to provide some judicial supervision of probation or casework services.

ROLE REVERSAL

The process whereby a parent or caretaker seeks nurturance and/or protection from a child rather than providing this for the child, who frequently complies with this reversal. Usually this process develops as a result of unfulfilled needs of the parent or caretaker.

SCAPEGOATING

Casting blame for a problem on one who is innocent or only partially responsible; for example, a parent or caretaker abusing or neglecting a child as punishment for family problems unrelated to the child.

SETTLEMENT

A determination of a disputed matter by agreement.

SEXUAL ABUSE

Contacts or interactions between a child and an adult when the child is being used for sexual stimulation of the perpetrator or another person. Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim or when the perpetrator is in a position of power or control over another child. (see also Child Abuse and Neglect).

SHAKEN BABY SYNDROME

Injury to an infant or baby that results from the child having been shaken, usually as a misguided form of discipline. The most common symptom is bleeding inside the head. Repeated instances of shaking can result in mental and developmental disabilities. This has a whiplash effect.

SOCIAL STUDY

(Also called social history, social report or pre-hearing report).

- ◆ Information compiled by a social worker about factors affecting a family's past and present level of functioning for use in diagnosing child abuse and neglect and developing a treatment plan.
- ◆ Document prepared by a social worker for the juvenile court's consideration at the time of the disposition of a case. This report addresses the minor's history and environment. Social studies often contain material which would clearly be inadmissible in most injury proceedings, either because of hearsay or lack of verification or reliability. The informal use of such reports has often been attacked as a violation of due process rights of minors and parents.

SOCIAL ISOLATION

The limited interaction and contact of many abusive and/or neglectful parents with relatives, neighbors, friends or community resources. Social isolation can perpetuate a basic lack of trust, which hinders both identification and treatment of child abuse and neglect.

SPOUSE ABUSE

Non-accidental physical or psychological injury inflicted on either husband or wife by his/her marital partner. Some experts conjecture that husbands as well as wives are frequently abused, particularly psychologically.

Domestic Violence is the term used when referring to abuse between adults who may not be married.

STANDARD OF PROOF

In different judicial proceedings there are varying requirements of proof. Three of the most commonly used standards are:

- ◆ **Beyond a Reasonable Doubt:** Evidence which is entirely convincing or satisfying to a moral certainty. This is the strictest standard of all and applies to all criminal proceedings. It is the standard applied to termination of parental rights which come under the provisions of the Indian Child Welfare Act (PL 95-608).
- ◆ **Clear and Convincing Evidence:** Less evidence than is required to prove a case beyond a reasonable doubt, but still an amount which would make one confident of the truth of the allegations. This is the standard Minnesota law applied to child abuse and neglect matters in juvenile court.
- ◆ **Preponderance of Evidence:** Merely presenting a greater weight of credible evidence than that presented by the opposing party. This is the lowest

standard of proof, used in most civil court proceedings.

STATUS OFFENSE

An act which is considered criminal only because it is committed by a minor. If an adult did the same thing, it would not be an offense. For example, a minor staying out after curfew or being truant from school.

STATUTE

A law enacted by a state legislature or the U.S. Congress.

STIPULATION

An agreement (sometimes oral, sometimes in writing) usually between lawyers, which “stipulates” or establishes a fact which otherwise would remain to be proven—thus avoiding trial on the issue.

STRESS FACTORS

Environmental and/or psychological pressures over a prolonged period, which are associated with child abuse and neglect or which, without being prolonged, may be the precipitant event. Prevention of child abuse and neglect requires both reducing stress in society and helping people cope with it. Environmental stress includes unemployment, poverty, overcrowded housing, and competition for success. Psychological stress could include marital discord, in-law problems and unwanted pregnancy.

SUBDURAL HEMATOMA

A common symptom of abused children, consisting of a collection of blood beneath the membrane covering the brain and spinal cord. The hematoma may be caused by a blow to the head or from shaking a baby or small child.

SUBPOENA

A document issued by a court clerk, requiring a person to appear at a certain court on a certain day and time to give testimony in a specified case. Failure to obey is punishable as contempt of court.

SUBPOENA DUCES TECUM

A subpoena requiring the person subpoenaed to bring records to court.

SUBSTANTIATION OF CHILD ABUSE OR NEGLECT

Verification that child abuse or neglect has occurred. A claim is substantiated after the charges have been investigated and evidence has been found to support a report.

SUDDEN INFANT DEATH SYNDROME (SIDS)

A condition which can be confused with child abuse, SIDS affects infants from two weeks to two years old, but usually occurs in a child who has been healthy except for a minor respiratory infection is found dead. The cause of SIDS is not fully understood.

SUMMONS

A document issued by a court clerk, notifying a person of the filing of a lawsuit against him/her and notifying that person of the deadline for answering the suit. A summons does not require the attendance at court of any person.

SUPERVISED VISITATION

When visits between the parent(s) and child(ren) are attended by another person who is present at all times. Usually, supervised visitation is recommended when there is reason to believe a parent may hurt or try to leave the area with the child. Supervision may be provided by the social worker, a relative who is

caring for the child, or by another responsible adult.

SUSTAIN

To support; to approve; to adequately maintain; e.g., the judge "sustained" the plea because he found it to be true or the plaintiff "sustained" the burden of coming forward with the requisite evidence.

TEMPORARY PLACEMENT

Voluntary or involuntary short term removal of a child from his/her own home, primarily when a child's safety or well-being is threatened or endangered, or when a family crisis can be averted by such an action. Temporary placement may be in a relative's home, shelter, or foster home.

TERMINATION OF PARENTAL RIGHTS (TPR)

A legal proceeding freeing a child from his/her parents' claims so that the child can be adopted by others without the parents' written consent. The legal bases for termination differ from state to state, but most statutes include abandonment as a ground for TPR.

TESTIMONY

A declaration or statement made to establish a fact, especially one made under oath in court.

TRAUMA

An internal or external injury or wound brought about by an outside force. Usually trauma means injury by violence, but it may also apply to the wound caused by any surgical procedure. Trauma may be caused accidentally or, as in a case of physical abuse, non-accidentally. Trauma is also a term applied to psychological

discomfort or symptoms resulting from an emotional shock or painful experience.

TREATMENT OF CHILD ABUSE AND NEGLECT

Treatment for child abuse and neglect should include treatment for the abused and neglected children as well as for the parent. Treatment for child abuse and neglect includes both crisis intervention and long-term treatment. The mandated agency may provide services directly or by purchase of services from other agencies.

VENUE

Juvenile court venue refers to the county or counties within which a lawsuit may be initiated based on such factors as where the parents reside, where the child resides, or where the child is found.

VOIR DIRE

“To speak the truth.” The procedure during which lawyers question prospective jurors, to determine their biases if any. Also the procedure in which lawyers examine expert witnesses regarding their qualifications, before the experts are permitted to give opinion testimony,

VOLUNTARY PLACEMENT

Act of a parent in which custody of his/her child is relinquished without a formal court proceeding.

WAIVER

The understanding and voluntary relinquishment of a known right, such as the right to counsel or the right to remain silent during police questioning.

WARRANT

A document issued by a judge authorizing the arrest or detention of a person, or the search of a place and seizure of specified items in that place. Although a judge need not hold a hearing before issuing a warrant and although the party to be arrested or whose property will be seized need not be notified, the judge must be given “reasonable cause to believe” that a crime has occurred and that the warrant is necessary in the apprehension and conviction of the criminal. A warrant may be used by the Juvenile Court to take a child into custody for the purpose of protecting the child’s health and welfare.

WITNESS

- ◆ A person who has seen or heard something.
- ◆ A person called upon to testify in a court proceeding.