

Glossary of Common Child Custody Terms

Introduction:

Navigating the child custody process can be overwhelming, especially for survivors of domestic violence who are trying to keep their families safe. Courts and child welfare systems often use complicated legal terms that aren't always easy to understand. That's why we created this glossary, to break down some of the most common terms you may hear during a custody case, in plain language.

Whether you're talking to a lawyer, reading court papers, or preparing for a custody hearing, this glossary is here to help you feel more informed, confident, and empowered every step of the way.



NATIONAL CENTER TO ADVANCE PEACE
for Children, Youth, and Families

The National Center to Advance Peace for Children, Youth, and Families (NCAP) is a coalition led by Caminar Latino and includes Ujima: National Center on Violence Against Women in the Black Community, the Alaska Native Women's Resource Center, the National Indigenous Women's Resource Center, and Futures Without Violence.



Terms and Definitions

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Adjudication of Parentage

Is a legal process in which a court decides who the child's legal parents are, usually focused on establishing a parents' legal rights and responsibilities. This often involves DNA testing and ends with a court order that declares a person to be the child's parent.

02

Best Interests of the Child

This is the standard courts use to decide custody. It means the court will look at many factors, like the child's safety, health, emotional needs, and relationships with each parent, to decide what arrangement is best for the child.

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Biological Parent

A biological parent is the person whose genes were passed on to the child/ are genetically related. While biological parents are often legal parents, that is not always the case, especially if one parent gives up rights or if legal parentage hasn't been established yet.

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Contempt Court

If someone disobeys a custody order, they may be held in contempt of court. This could result in fines, makeup visitation time, or even jail time, depending on the situation.

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Custody Order

A custody order is a court-issued document that outlines who has legal and/or physical custody of a child, and what the visitation or parenting time arrangements will be.

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Emergency Custody

Emergency custody is a temporary order granted quickly when a child is in immediate danger. These orders are short-term and often followed by a full custody hearing.

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Guardian ad Litem (GAL)

A GAL is a person, usually a lawyer or social worker, appointed by the court to represent the child's best interests in a custody case. They may interview the child, parents, and others, and then make recommendations to the judge.

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Joint Custody

Means both parents share responsibility for the child. It can refer to:

- Joint legal custody: both parents must agree on important decisions
- Joint physical custody: the child spends substantial time living with both parents
- The time split doesn't have to be exactly 50/50, but both parents are involved.

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Jurisdiction

Jurisdiction means the authority a court must hear a case. In custody matters, it usually depends on where the child has lived for the past six months.

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Legal Custody

Gives a parent the right to make major life decisions for the child. These decisions can include:

- What school the child attends
- What medical care the child receives
- Religious upbringing
- Counseling or mental health care
- Legal custody can be sole (one parent makes all decisions) or joint (both parents must work together and agree on major decisions)

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Legal Parent

A legal parent is someone who the law recognizes as having the rights and responsibilities of a parent. This includes the duty to care for and support the child. Legal parents can be biological parents, adoptive parents, or others who have gained parental rights through a court order (such as through a guardianship or parentage judgment). Legal parent status allows a person to make decisions about the child's health, education, and welfare.

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Mediation

Is a process where parents work with a neutral third party to try to agree on custody or visitation issues, without going to trial. Mediation may be required in some cases, but survivors of domestic violence can often request to opt out.

Terms and Definitions

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Parenting Plan

A parenting plan is a written agreement (or court order) that details how parents will share time and decision-making for their child. It can include the weekly schedule, holidays, transportation, and communication between parents.

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Physical Custody

Means who the child lives with most of the time. It involves the day-to-day care, such as feeding, clothing, and supervision. Physical custody can be sole (the child lives with one parent most of the time) or joint (the child lives with both parents on a schedule). The parent with physical custody is responsible for the child's basic needs and routine.

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Protective Order (or Restraining Order)

This is a court order that helps protect someone from abuse or threats by restricting contact from the person causing harm. Some protective orders may include temporary custody arrangements.

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Reunification Services

Services offered to help parents meet the requirements of a case plan to get their children back after removal. These can include parenting classes, counseling, or supervised visits.

Terms and Definitions

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Sole Custody

Means one parent has full control of one or both types of custody:

- Sole physical custody: the child lives primarily with one parent
- Sole legal custody: one parent makes all major decisions about the child
- The other parent may still have visitation rights, but does not share in decision-making or day-to-day parenting unless specified by the court.

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Supervised Visitation

Supervised visitation means a parent can only spend time with their child while another adult (or agency worker) is present. This is usually ordered when there are safety concerns for the child or the other parent.

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Termination of Parental Rights

This is when a court permanently ends the legal relationship between a parent and a child. It means the parent loses all custody and visitation rights and cannot make decisions for the child.

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Visitation (or Parenting Time)

Visitation refers to the time a non-custodial parent spends with the child. It can be unsupervised, supervised, scheduled, or flexible, depending on what the court decides is safe and appropriate.

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Voluntary Acknowledgement of Parentage (often abbreviated as AOP or VAP)

Is a legal form signed by both parents, usually at the hospital after birth, stating who the child's biological parent is. Signing this form makes the person the child's legal parent without needing to go to court. It has the same effect as a court order.

Conclusion:

We know that navigating child custody can feel confusing, especially when you're trying to protect your family and make sense of legal language that wasn't written with survivors in mind. We hope this glossary helps make the process a little clearer, and gives you the tools to ask questions, speak up for yourself, and understand what's happening in your case.

Remember: you don't have to do this alone. Whether you're working with an advocate, attorney, or support organization, this glossary can be a starting point for deeper conversations about your rights, your options, and your safety.

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