



Legal Definitions

Probate/Guardianships/Wills and Trusts:

The incapacity or loss of a loved one can be emotionally challenging but the legalities that come from that can be impossible to manage alone. Probate is required when a person dies and leaves property solely in their name. An Administration must be opened to deal with the assets and debts of the person's estate. Guardianships involve a person who is no longer capable of making decisions due to health or mental issues. A Court appoints a Guardian to protect the Ward and his/her assets. Wills and Trusts are the vehicles used to direct how an Estate is handled and in some instances a Trust can avoid probate entirely.

Criminal Cases:

Typically a criminal case begins with an arrest of an individual. After arrest, paperwork containing the basis of the arrest (probable cause) is forwarded to the State Attorney's Office to determine whether formal charges will be filed. An information is a formal charging document and a no information is a formal dismissal. If information is filed, the person charged must enter a plea of either not guilty, guilty, or nolo contendere (no contest). If a person pleads not guilty, the case will be set for a pre-trial and trial date. If a person pleads guilty or nolo contendere the person may be sentenced by the court at that time or on a later date.

Family Law:

There are a wide variety of matters in the area of family law. These matters include: divorce, custody, paternity, modifications, pre-nuptial agreements, injunctions for protection, and domestic violence. A family law case can be filed by either interested party in other words husband or wife, father of child or mother of child, and in some instances caregivers. In divorce cases it is important to be able to advise any attorney you hire the assets and liabilities of you and your spouse as well as if there are any children involved.

Dependency:

A dependency case is a civil case in which a parent(s) rights to have their child(ren) can be terminated. Typically a case is brought by the Department of Children and Families after they are notified that some abuse may be occurring. The department will send an investigator to the home to determine abuse. If the investigator determines there is cause for removal of the child immediately from the home a Department attorney will prepare a shelter order to be reviewed by a Judge. If the Judge finds cause to remove the child from the home, the child will be removed. The department will then prepare a Petition for Dependency which is basically an allegation of the suspected abuse. Once a Petition is filed the parent(s) will be required to enter a plea of either: denial, admission, or consent. If the parent(s) denies, the case will be set for an adjudicatory hearing. An adjudicatory hearing is a trial set before the Judge in which both sides present evidence. If a parent(s) consents or admits to the petition the court will require the Department to create a case plan and set specific goals for the parent(s) unless they are seeking to terminate parental rights. If the department seeks to terminate parental rights there will be a separate evidentiary hearing to determine whether that is warranted.