



FatherCustodyCoach.com

Custody Terms Glossary

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Not sure what that judge just said? This custody terms glossary translates real family court lingo into plain English so you can follow every step of your case. We've collected the most common custody terms used in court, with short, practical definitions you can actually use when preparing filings, organizing exhibits, or talking to a GAL, mediator, or judge. From best-interest factors to parenting plans, subpoenas, and motions, this guide helps dads show up informed, calm, and ready.

Affidavit / Declaration

A written statement of facts signed under oath (often notarized).

Arrearage (Child Support Arrears)

Unpaid, past-due child support still owed.

Best Interests of the Child

The guiding standard judges use—what arrangement best supports the child's safety, stability, and well-being.

Business Records Exception

A hearsay exception allowing regularly kept records (e.g., school/medical) into evidence if properly authenticated.

CASA (Court Appointed Special Advocate)

A trained volunteer who investigates and reports to the court about the child's best interests.

Change in Circumstances (Material Change in Circumstances)

A significant, ongoing change (e.g., move, work schedule, safety issue) that may justify modifying orders.

Child Custody Evaluation

An investigation by a neutral professional (often a psychologist) who interviews/observes and makes recommendations.

Child Support

Payments one parent makes to help cover the child's expenses.

Co-Parenting App

Court-friendly messaging/scheduling apps that create exportable records (messages, calendars).

Consent Order / Stipulated Order

A court order based on both parents' written agreement, signed by the judge.

Contempt (Order to Show Cause)

Allegation that someone violated a court order; the judge can order remedies/penalties. An "inability to comply" can be a defense.

Continuance

A court-approved rescheduling or delay of a hearing.

Court's Calendar (Docket)

The schedule of cases/hearings for a courtroom.

Custodial Parent

The parent the child primarily lives with.

Custody (Legal vs. Physical)

Legal Custody: decision-making power (education, health, religion, etc.).
Physical Custody: where the child primarily lives and daily care occurs.

De Novo Hearing / Review

A fresh look at the issues (new hearing) rather than a limited appeal review, where available.

De Facto Custodian (Some States)

A person who has functioned as a parent for a substantial time; may seek standing/custody/visitation.

Dirty Hands / Unclean Hands (Some States)

An equitable doctrine: a party seeking relief may be denied if they acted unfairly or in bad faith relating to the issue.

Discovery

Pre-hearing exchange of information/evidence (documents, answers to written questions).

Domestic Violence Protective Order (DVPO) / Restraining Order

Orders restricting contact to protect safety; violations have serious consequences.

Emergency (Ex Parte) Order

A temporary order requested without the other parent present, used only for urgent, immediate safety concerns.

Evidence (Exhibits)

Documents, photos, messages, logs, or testimony supporting your statements.

Exchange / Handoff

Where/how the child is transferred between parents.

Family Assessment / Home Study

A review of a parent's home and routines by a social worker/evaluator.

Forensic Interview (Child)

A structured interview by trained professionals to gather the child's account in a neutral, child-safe manner.

Foundation / Authentication

Basic facts needed to show what an exhibit is and that it's reliable.

GAL (Guardian ad Litem)

A lawyer/advocate appointed to represent the child's best interests to the court.

Grandparent Visitation

When grandparents ask the court for time with the child under specific state rules. Important: some states provide limited or no statutory grandparent visitation rights, or require strict thresholds before a court will consider it.

Hearsay

An out-of-court statement offered for its truth. Often excluded unless an exception applies.

Impeachment (Witness Credibility)

Showing a witness is unreliable (inconsistencies, bias, prior statements).

In Camera Interview

A private conversation between the judge and the child (usually without parents) to hear the child's perspective.

Joint Custody

Parents share decision-making (legal), parenting time (physical), or both.

Jurisdiction (Subject-Matter / Personal)

The court's legal power to hear your case and bind the parties.

Legal Custody

Decision-making authority for major aspects of the child's life.

Mediation

A neutral professional helps parents reach agreement without a trial; often required before a hearing.

Motion

A formal request asking the judge to take a specific action (modify/enforce/compel, etc.).

Motion in Limine

A pre-hearing request to allow or exclude specific evidence or topics.

Nesting (Bird's Nesting)

A temporary arrangement where the child stays in one home and parents rotate in/out.

Noncustodial Parent

The parent the child does not primarily live with; usually has parenting time.

Parental Alienation

A pattern where one parent's behaviors undermine the child's relationship with the other parent (definitions and acceptance vary by jurisdiction).

Parallel Parenting

Low-contact co-parenting: each parent follows the plan during their time; reduces direct conflict.

Parenting Coordinator

A neutral professional who helps implement the parenting plan and resolve day-to-day disputes (when ordered).

Parenting Plan

The written schedule and rules: exchanges, holidays, decision-making, communication.

Parenting Time (Visitation)

The scheduled time the child spends with each parent.

Pendente Lite (Temporary Orders)

Short-term orders in place until the final hearing or a new order.

Physical Custody

Where the child primarily lives.

Preponderance / Clear and Convincing

Common civil burdens of proof; “preponderance” = more likely than not; “clear and convincing” = higher standard used for some issues.

Privilege (Attorney-Client / Work Product)

Protected communications and strategy materials that typically can’t be forced into evidence.

Protective Order (Discovery)

Limits discovery to protect privacy, safety, or burdensome requests.

Relocation

Moving the child’s residence; often requires notice and/or approval if it affects the schedule.

Right of First Refusal (ROFR)

If a parent can’t watch the child during their time (beyond a set duration), they must offer the time to the other parent first.

Sanctions

Penalties for violating rules or orders (e.g., attorney fees, limits on claims, evidentiary exclusions).

Sole Custody

One parent has all or most decision-making and/or primary residence for the child.

Spoliation

Destruction or alteration of evidence; can lead to sanctions or inferences against the destroyer.

Status Conference / Case Management

Short hearing to check progress, deadlines, and needed steps.

Stipulation

A written agreement between the parties about certain facts or terms.

Subpoena / Subpoena Duces Tecum

A court order requiring a person to testify or bring documents.

Supervised Exchange

Child is exchanged at a neutral, safe place to reduce conflict.

Supervised Visitation

Parenting time that occurs with an approved supervisor for safety.

Therapeutic / Reunification Therapy

Counseling designed to rebuild a parent-child relationship that has been limited or disrupted.

UCCJEA (Uniform Child Custody Jurisdiction & Enforcement Act)

Sets rules for which state has authority (“home state”), preventing competing orders across states.

Venue

The specific county/court location where the case is heard.

Verified / Notarized

A document signed under oath and acknowledged by a notary.

Visitation Schedule

Court-approved calendar for regular time, holidays, and vacations.

Vexatious Litigant / Litigation Abuse

A pattern of bad-faith filings meant to harass or exhaust the other party; courts can restrict filings.

Malicious Mother / Malicious Parent “Syndrome”

A controversial, non-medical label sometimes used to describe severe, vindictive behaviors that damage the child’s relationship with the other parent. Not an official diagnosis, but the behaviors (interference, false reports) can influence best-interest findings.

Gatekeeping (Restrictive vs. Protective)

How one parent controls the other’s access; can be protective (safety-based) or restrictive (unfair interference).

Pattern of Conduct

Judges often look at consistent behaviors over time (missed exchanges, refusal to communicate).

Make-Up Time

Extra time awarded when court-ordered parenting time was wrongfully denied.

Roll-Over Time

Missed time that can be carried forward by agreement or order.

Substance Testing (UA / Hair Follicle)

Court-ordered testing when substance abuse is alleged and relevant to the child's safety.

Psychological Evaluation

Assessment of a parent's mental health/capacity as it relates to parenting.