



INNU LEGAL TERMS
(FAMILY LAW)

KAUESHINITUNANIT
AIMUNA
(UIKANISHIMAUAT)

Mushuau Dialect

FIRST EDITION, 2009



www.innu-aimun.ca



Innu-aimun Legal Terms

Family Law

Kaueshinitunanit innu-aimuna

Uikanishimauat

Mushuau Dialect

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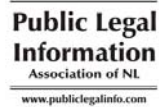
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Table of Contents

Foreword.....	iii
Acknowledgments	iv
Preface	v
Full Glossary of Family Law Terms.....	1
1. Court Procedures and Family Justice Services.....	45
2. Child Protection.....	63
3. Custody and Access	81
4. Support.....	87

Foreword

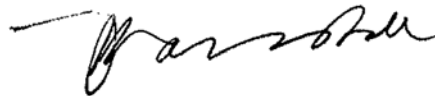
I am extremely pleased with the release of this glossary of family justice terms which has been translated into Innu-aimun. This work follows the first volume which identified criminal justice terminology.

This volume is the combination of significant effort, dedication, and support of many. In conjunction with our justice officials, these partnerships include the Aboriginal community; Memorial University of Newfoundland; the College of the North Atlantic; Public Legal Information Association of Newfoundland and Labrador; the Department of Education; the Labrador Advisory Committee for Interpreting Initiative; Child, Youth and Family Services; and the Department of Labrador Aboriginal Affairs.

I am particularly grateful for the involvement of the local interpreters and translators in Labrador. These skilled individuals came together for a series of workshops again this year to develop a standardized terminology that would be understood in their communities. Due to the unique nature of legal jargon and its context, I understand that this exercise has at times been challenging and tedious, but I hope it has ultimately been a rewarding experience for the interpreters and translators. This project is one in which they can feel pride because they are helping to remove barriers to the justice system for their communities.

I believe these glossaries, through building capacity for enhanced interpreting services, will provide meaningful improvements to Aboriginal people's access to the justice system, particularly in Labrador.

My sincere appreciation is extended to all who have made this project a reality.



Thomas Marshall, Q.C.
Minister of Justice
and Attorney General

Acknowledgments

In addition to the workshop collaborators, we also acknowledge the assistance of the following individuals: Laurel Anne Hasler, Will Oxford and Peggy Chafe (Memorial University), Joyce Decker and Emily Sheppard (College of the North Atlantic), and Beatrice Dickers (Labrador Institute).

The English definitions for many of the terms were taken from the website of the Ministry of the Attorney General, province of Ontario, found at <http://www.attorneygeneral.jus.gov.on.ca/english/family/>. Pertinent local staff were consulted during the finalizing of the word list. We would like to thank all for their contribution.

Preface

Background

The need for trained interpreters in the Labrador criminal justice system has been evident for many years. The Labrador circuit is one of the busiest in the province and a significant number of the defendants and witnesses do not speak English as a first language. The unfortunate practice of finding an Aboriginal language interpreter under pressure of time is now recognized to be detrimental to the best interest of people who must deal with the court system.

In 2006, the Department of Justice commissioned a report, *Developing a Strategy for Court Interpretation Services*, which identified the provision of trained court interpreters for Innu-aimun and Inuttitut as being of the highest priority. In the Spring of 2007, the Department of Justice approached the Faculty of Arts, Memorial University, and requested that Dr. Marguerite MacKenzie and Dr. Douglas Wharram of the Department of Linguistics facilitate workshops on the translation of criminal court terms in Innu-aimun and Inuttitut respectively. The Public Legal Information Association of Newfoundland and Labrador (PLIAN) was contracted to participate in the workshops. PLIAN dedicated its Executive Director, Kristen O'Keefe, as its resource person for this project.

The Department of Linguistics CURA project *Knowledge and Human Resources for Innu Language Development*, funded by the Social Sciences and Humanities Research Council (SSHRC), began in January 2004 with the aim of documenting the lexicon of the Innu language and providing language training to community members in Labrador. The long-term goal of the project is to produce a trilingual dictionary of the Innu language spoken in Labrador and Quebec, with information on the various dialects. A sub-project has been the elaboration of vocabulary for specific domains, such as justice, health, social services, environment. The opportunity to partner with the Department of Justice on both the development of last year's criminal law glossary and this most recent family law glossary was thus very welcome.

Workshops for Family Law Terms

Two workshops were held in 2008 for the Innu-aimun dialects (July 2-3 and July 23-24) and one for Inuttitut (July 14-16). Over the course of the workshops, a core set of over 200 family justice and child protection terms were translated and now appear in this glossary. Separate glossaries were established for the two distinct dialects of Innu-aimun, spoken in Sheshatshiu and Natuashish. The people of Natuashish are also known as Mushuau Innu (Barren Ground People), and their dialect is referred to as Mushuau-aimun.

Methodology

Before the workshops, 200 English terms, with an English explanation, were entered into a database, separated into four categories: court procedures and family justice services, child protection, custody and access, and support. During the workshops the list of words to be translated was projected on a screen for discussion by all participants. Workshop collaborators explained each term and gave examples of how it may be used during the various stages of the judicial process. Innu speakers and the linguists discussed various translations, which were entered into the database in a standardized spelling.

Staff of the CURA project formatted the Innu terms and produced camera-ready copy for the two Innu glossaries, printed in a format which gives the two dialects equal priority. The four lists of separate categories appear at the end of the alphabetical list.

Dialects of Innu-aimun

Although Innu-aimun is a single language spoken in both Labrador and Quebec, there are many regional differences. Within Labrador, members of the two Innu communities speak significantly different dialects: Sheshatshiu-aimun is more closely related to the language as it is spoken by Innu in south-eastern Quebec, while Mushuau-aimun has a great deal in common with the Naskapi and northern Cree dialects of northern Quebec. Differences in pronunciation, grammar and vocabulary between the two dialects mean that an Innu interpreter fluent in Sheshatshiu-aimun, for instance, will likely not be able to translate quickly and accurately for a speaker of Mushuau-aimun. This fact has made the provision of two glossaries a necessity.

Linguistic Issues

The languages spoken by the Innu and Inuit are significantly different in grammatical structure from English. The vocabulary contains a very small number of nouns and a very large number of verbs, often making it difficult to translate an English term by the same part of speech (e.g., noun to noun). In many cases, a verbal form is used and, in most cases, an explanatory phrase is necessary. Some general principles for translation that were followed were: use a third person or impersonal form, rather than the second person form that might be used when speaking to a defendant or witness; use an Innu noun, if possible, for an English noun; aim for the shortest, yet most accurate, translation. Note that Innu-aimun is a gender-neutral language and that pronouns and verbs can be translated equally as 'she' or 'he'.

Legal terminology is difficult for the average speaker of English to understand. The legal terms used in the family justice system are a shorthand way of speaking about often complicated concepts and processes. The translations done by the workshop participants represent the result of a very short and intensive training in these concepts and will no doubt be revised in future, as the interpreters gain more training and experience with the justice system.

A shared, standardized spelling has been used for the Innu-aimun terms. As is the case for English, the spelling is not phonetic and does not represent any one of the four main dialects of the language.

Glossary of Family Law Terms

Mushuau Dialect

Access

uikanishimauat tshetshi uapamat auassa

In family law cases, access refers to the right of a parent (or another important person to a child, like a grandparent) who does not have custody of a child to spend time with the child/ren on a regular basis. Access usually includes the right to request and receive information on the child/ren's health, education and well-being. Note: Types of access include reasonable access, specified access, and supervised access.

Access - Reasonable Access

utapuetatunuau uikanishimauat tanita tshe uapamat auassa

A type of access which allows the non-custodial parent (or another important person such as a grandparent) to visit with the child/ren at agreed upon times. Reasonable access gives parents the flexibility to make their own arrangements. Reasonable access works where the parents can agree upon what is reasonable.

Access - Specified Access

minuitakanu tipaikan tshe ishpish uapamakanit auass

A type of access which sets out certain times for the non-custodial parent (or another important person, like a grandparent) to be able to spend time with the child/ren.

Access - Supervised Access

nakatuapamakanu auass e mupishtakut uikanisha

A type of access which allows the non-custodial parent (or another important person, like a grandparent) to spend time with the

child/ren but only with another adult present. Usually, the supervising adult will be named in the order or agreement. Supervised access is generally ordered in situations where the Court believes it is necessary for the welfare or best interests of the child/ren.

Access Schedule

tshishe-kamakunuesht minuev tanita tshe mupishtuakanit auass

If parents can agree on a time and place for access, they can make the decisions surrounding this issue. However, if a decision can not be agreed upon, the Court will likely impose an "access schedule". It is a schedule which outlines when the child/ren will spend time with the parent (or other person who has access).

Act [also called Law, Legislation, Statute]

tshishe-utshimau umashinaikan ka mashinatenit

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

Adjournment [also called Postponement]

nakaikanu apishish

The temporary delay in a Court proceeding. A case might be adjourned for a few hours, a few days or for months.

Affidavit

ka tapuetatishunanut mashinaikan e mashinataushunanut

A written statement or declaration of facts that is sworn or affirmed to be true. A party or witness may sometimes file an affidavit as a way of giving evidence in court.

Affidavit of Service [also called Proof of Service]

mashinaushu mashinaikannu eshi-tapuet shash minakanu mashinaikannu auennua

An affidavit certifying that a document has been served on a party.

Affirmation***nasht tapueun***

A solemn declaration made by a person to tell the truth in court or in an affidavit.

Age of Majority***ka peiku-tipenitmitishut (peikunnu ashu peikushteu etatupipuneshit (19))***

The age of majority is 19 years in Newfoundland and Labrador. The age of majority is the age when a person is legally considered an adult for certain purposes. For example, generally when a person is 19, he/she is able to independently enter into contracts. As well, he/she is considered an adult for the purpose of child support which is generally paid until a person reaches 19 (although it is continued in special cases, such as when the person is pursuing post-secondary education). Please note that, under the criminal law, a person can be charged as an adult when they are 18.

Agreements under section 63 of CYFS Act (Child Protection)***tapuetashunanu tshetshi minu-kanuenimakanit auass***

Child, Youth & Family Services representatives (such as the director or social workers) can enter into an agreement for services with a person who is taking care of a child (or providing care to a child).

Alternative Dispute Resolution (ADR, Child Protection)***kueshtetshe ishi-tutakanua eka pitakatakanit nete kaueveshinitunanit***

Resolving conflict through means other than going to court. Examples of alternative dispute resolution processes include family group conferences, pre-trial settlement conferences and mediation. See s. 13 of CYFS Act.

Alternative Dispute Resolution (ADR, General)***kueshtetshe ishi-tutakanua eka pitakatakanit nete kaueveshinitunanit***

Resolving conflict through means other than going to court. Examples include mediation or arbitration.

Amicus Curiae***uishamakanu kutak kavitshinuesht tshetshi uitshiat nenua nasht eshinakushiniti tshetshi uitshiakaniti***

Latin for "friend of the court." A lawyer who assists the court during the course of a hearing, to represent a position or interest, usually at the court's request.

Annulment***ama minuau ne ka nipaunanit***

A declaration by a judge that a marriage is invalid. If a marriage is annulled, it is as if the marriage never occurred.

Appeal***tshetshi minuut tshitapatakanit eshi-ueshiakanit***

A written document is filed to request that a decision made by a court be reviewed by a higher court. The person seeking to appeal must have proper grounds to appeal. This means there must be a legal reason to appeal (for example, the judge made a mistake when applying the law to the case).

Appeal Period***eshpish takuak tipaikan minuut tshetshi tshitapatakanit eshi-ueshiakanit***

The time limit within which an appeal can be made.

Appellant***ne auen ka natuenitak tshetshi mishkutinikanit eshi-ueveshinitunanit***

The party or person bringing an appeal.

Applicant

ne auen ka shakassinitat mashinaikannu ka natuenitak

A person who makes or starts an application in court.

Application

ka shakassinitakanit mashinaikan ka natuenitakanit

1. The commencement of a proceeding in a court by way of filing the appropriate court form. 2. A request to a court for a ruling or decision.

Application to Vary

natuenitakanu tshetshi mishkutinakanit tshish-kamakunuesht umashinaikan

An application to the Court to change an existing order.

Assessment (Child Protection)

e nanatu-tshissenitakanit auass ka tat tan tshipa ishi-minu-kanuenimakanu

In child protection cases, an analysis by a qualified professional who investigates, assesses and reports on the needs of the child/ren and the ability of the parties to meet those needs.

Assessment (Family Law)

e nanatu-tshissenitakanit uikanishimauat tanite tshipa ishi-minu-kanuenimakanu auass

In family law cases, an analysis by a qualified professional who investigates, assesses and reports on the needs of the child/ren and the ability of the parties to meet those needs. There are different types of assessments. They are sometimes done in child protection cases, and also in regular family law cases when custody and access may be at issue.

Attorney

kavitshinuesht

A term for lawyer. Also called counsel.

Best Interests of the Child

tshishe-kamakunuesht uin tshika vetashutam^u tan tshipa ishi-minupaniku auass

The test that a Court uses to make decisions about custody and access. The children's needs and well-being are always the most important considerations. The Judge will consider many factors when deciding what is in the child's best interest. The Judge must decide what is best for the child, not what is best for either of the parents.

Best Interests of the Child (Child Protection)

nasht e minu-kanuenimakanit auass tshetshi minupanit

When making a decision about a child under the CYFS Act, the most important consideration is the "best interests of the child." All relevant factors must be considered when deciding what is in the child's best interest including those factors set out in s. 9 of the CYFS Act.

Binding

nasht tshika ui tutam^u tshishe-kamakunuesht etashuet

1. Mandatory (required). 2. When applied to a court decision, required to be followed in cases with similar circumstances.

Birth Certificate

tshishe-utshimau kanu ka ishpish inniut auen

A certificate issued by a government agency which proves that the person named on the certificate was born at a certain place, at a certain time and of certain parents. Possession of a birth certificate is a necessary first step to obtaining other documents such as passports.

Breach

ka pikunakanit tshekuan

A violation or infraction of a law or obligation.

Bridging Provision

***eshi-natuenitakanit pitama auass ka kanuenimakanit eshk^u
eka utitshipanit kaueveshinitunanit***

Where a child is in the custody of a director or another person under a temporary order and an application for another order is filed but not heard before the expiration of the temporary order, the child shall remain in the custody of the director or other person to whom custody was granted under the temporary order until the application is heard and decided. See s. 40 of CYFS Act.

Care (Child Protection)

auass e minu-kanuenimakanit

The physical daily care and nurturing of a child. See s. 2 of CYFS Act.

Care in the Home (Child Protection)

apissish e kanuenimakanit auass nete mitshuapit

When a director or social worker believes a child is without adequate supervision when premises are entered under the CYFS Act, the director or social worker can arrange for short term care in the home to be provided to the child until other adequate supervision is available. This period of "care in the home" cannot be longer than 72 hours. See s. 22 of CYFS Act.

Caregiver

kutak auen ka kanuenimat auassa, at mak uikanisha

A person with whom a child is placed for care with the approval of a director and who, by agreement with a director, has assumed responsibility for the care of a child but does not include a parent. See s. 2 of CYFS Act.

Caregiver Home

***ka utinakanit auass tshetshi nakatuenimakanit kueshtetshe
mitshuapish***

A home which has been approved by Child, Youth & Family Services for the care of children in need of protection (sometimes referred to as Foster Home).

Case***eshi-ueshiakanit aven***

A matter brought before the court for a decision.

Case Law***tshishe-kamakunueshiht ka mashinash nenu ka ishi-tapuetashut***

Judge-made law and legal decisions from previous cases that form precedents for future cases. Depending on what level of court, case law can be binding or just persuasive.

Case Management***tshetshi uavitak nenu eka menupanit***

A process that gives parties in dispute scheduled opportunities to discuss the case in order to streamline proceedings.

Case Management Meeting***kaeshinitunanit kaitussetshiht uavitamuat tshekuannu tshipa ishi-minupannu***

An informal meeting between a judge and parties or their counsel to discuss and to potentially resolve issues related to the management of Court proceedings with a view to achieving the following purposes: (a) ensuring that maximum benefit is gained from each trial day; (b) making more efficient use of Court resources; (c) ensuring adequate and accurate amounts of time are reserved for trial; and (d) providing for the public interest in access to justice in a timely and cost effective manner.

Certify a Copy***tapuemakan ka peikutakanit ne mashinaikan***

To formally acknowledge in writing that a copy is an accurate copy of the original document. The certification of a document acts as an assurance that the photocopy is a true and accurate copy of the original. This is useful where it is impractical to provide or show the original document.

Child (Child Protection)***auass eshk^u eka ashutashtatushap-tatupipuneshit (16)***

A person actually or apparently under the age of 16 years of age. See s. 2 of CYFS Act.

Child Abduction***e utinakanit auass eka tapuetakanit***

The removal of a child contrary to a court order or without the permission of the parent who has legal custody of the child.

Child Abuse (Child Protection)***auass e piuenimakanit***

Any action or series of actions that results in harm, potential for harm, or threat of harm to a child. Abuse can include physical harm, sexual molestation or exploitation, or emotional or psychological harm.

Child in Need of Protective Intervention (Child Protection)***nasht ka ishinakuanit auass eshk^u eka ashutashtatushap-tatupipuneshit (16) tshetshi minu-nakatuenimakanit***

The Child, Youth and Family Services Act is normally triggered when there is a child in need of protective intervention. There are a number of possible indicators that a child is in need of protective intervention which are set out in section 14 of the CYFS Act.

Child Protection Case***e pitakatakaniti auass umashinaikana nete kaueveshinitunanit***

A case in which a party, generally a representative acting on behalf of Child, Youth and Family Services, files an application under the Child, Youth & Family Services Act.

Child Support

pakassiu-shunianu mineu auassa

The amount a parent pays, usually to the other parent, for the financial support of a child under a court order or agreement.

Child Support Guidelines

tan tshe ishpish minat pakassiu-shunianu auassa neme etashtet tshishe-utshimau umashinaikan ka nashatakanit

The Child Support Guidelines are the rules and tables used to determine how much child support should be paid. The Child Support Guidelines are the law of Canada and Newfoundland & Labrador.

Child, Youth and Family Services Act

tshishe-utshimau utapuetamuna nete auassat tshetshi minukanuenimakanit

This provincial law applies primarily to child protection proceedings such as those where the Director of Child, Youth and Family Services has taken a child into care and asks the Court to determine if the child should be returned to a parent or left in the custody of the Director either temporarily or permanently. It is the law that child protection social workers must operate under in Newfoundland & Labrador.

Cohabitation Agreement

utapuetatishunuau utipenitamunuava ka uitapimituht

Agreement by two people who are not married to each other, but are living together as a couple or will be living together. The agreement normally outlines their rights and obligations to each other during the time they live together, or in the event they separate, or die.

Common Law Relationship

ka uitapimitunanit

Two people are considered to be in a common law relationship when they live together in a conjugal (married-like) relationship without having been legally married.

Consent***tapuetakanu***

To give permission or agree to something.

Consent Order (Child Protection)***uikanisha mak mitshim-utshimau tapuetatishuat tan tshe ishi-tutuakanit avass***

When a parent agrees to an order made under the CYFS Act. Before the judge accepts the consent order, the judge must be satisfied that the wishes of the child have been considered, and that the parent consenting has been informed that he/she may be represented by a lawyer and understands the nature and consequences of the consent. See s. 58 of CYFS Act.

Consent Order (General)***tshishe-kamakunuesht umashinaikan nenu tiapuetashunanut***

An order made by the court based upon the agreement of the parties.

Continuous Custody Order (Child Protection)***tshishe-kamakunuesht mineu mitshim-utshimaua eshk^u tshetshi nakatuenimakaniti avassa***

A court order removing a child from the care of his or her parents or guardians permanently and entrusting the child to the Director of Child, Youth & Family Services. The director becomes the sole custodian of the child, and the director may consent to the adoption of the child, and also consent to medical treatment for the child. Such an order ends when the child reaches 16, the child marries, or the court rescinds the order. There are circumstances when an application can be made to have such an order rescinded. See s. 44 of CYFS Act.

Contract***nasht tshika ui tutam^u ka tapuetashunanut***

A written or oral agreement that is legally binding.

Costs

tan tshe ishpish tshishikashut ne auen ka unitat nete kaueveshinitunanit

A money award made by a court for expenses in bringing or defending a legal proceeding or step in a proceeding. Costs are intended to help compensate the successful party for his/her legal expenses as a result of being in Court. Costs may also be ordered against a person who fails to follow the Court's directions or instructions before or during a step in the case.

Counselling (Family Justice Services)

ka uavitshiakaniht auenitshi

For the purpose of Family Justice Services, counselling is provided to help parents and/or children who need help adjusting emotionally to separation.

Court Clerk

tshishe-kamakunuesht ukaitusseshima

Court staff who work at the court. In the courtroom court clerks open the court, announce the judge, announce cases, record the proceedings and administer oaths for witnesses. Court clerks also have other duties outside their courtroom work.

Court Ordered Access

tshishe-kamakunuesht itashueu tan tshipa ishpish uapamakanua kie mupishtuakanua ne auass

A court order that says that a certain person, usually the parent of a child who does not live with the child, may visit with the child, according to certain conditions.

Court Ordered Custody

tshishe-kamakunuesht itashueu tshiek auen tshitshue tshie kanuenimat auassa

A court order that says who is to be the person who has principal responsibility for a child. See Custody.

Custodial Parent

ne uikanishimau tshitshue uievetashumat auassa

The parent who has legal custody of their child/ren.

Custody (Child Protection)

uikanisha tshe ishi-nakatuenimat utauassima

The rights and responsibilities of a parent in respect of a child. See s. 2 of CYFS Act.

Custody (Child Support Guidelines)

tan eshpish tat auass nete papeik^u uikanisha uitshinit

In the Child Support context, custody refers to the percentage of time a child spends in each parent's home. It has no meaning regarding parenting or decision making.

Custody (Parenting)

auen tshitshue tshe nakatuenimat nenu auassa

This describes the parenting arrangement made for the care of the children after parents separate. Custody refers to decision making and responsibility for the children. There are different types of custody arrangements.

Custody by Agreement

uikanishimauat tapuetashuat auen tshitshue tshe kanuenimat nenu auassa

Custody arrangements for child/ren are agreed upon by the parents. See Custody.

Custody, Joint

tapishkut uikanishimauat tshika ishi-uetashumeuat nenua auassa

A parenting arrangement where parents make major decisions about the children together. The day-to-day decisions for the children are made by the parents whom the children are with. The children may

reside with one parent the majority of the time or they may spend equal amounts of time with both parents.

Custody Order

tshishe-kamakunuesht umashinaikan auen tshe nakatuenimat auassa

A court order which says who is to have custody of a child.

Custody Review Committees (Child Protection)

avenitshenat ka tshitapataht eshk^u eshi-nakatuenimakaniti auassa

Each regional health authority must establish a committee of people who annually review all the cases of children who are in continuous care. This committee reports to the authority's director on the care of the children in question. See s. 76 of CYFS Act.

Custody, Shared

auass uitshimeu nete papeik^u uikanisha uitshinit tshekat tetaut ishpish tau

According to the Child Support Guidelines, shared custody is when the children live at least 40% of the time with each parent. Note: the only place where this term is found in legislation is in the Child Support Guidelines. It is defined in the context of the amount of time a child lives with each parent.

Custody, Sole (Child Support Context)

auass uitshimeu nenua uikanisha ka tshikuakaniti nenu pakassiu-shunianu

The child lives mainly with the person receiving child support.

Custody, Sole (Parenting)

peik^u uikanishimau uin nasht uevetashumeu auassa

In a sole custody arrangement the children live primarily with one parent who has decision making responsibility. The other parent usually has the right to have the children spend time with him or her and request and receive information about the children.

Custody, Split

ka tipan ka ianakanit auassat

According to the Child Support Guidelines split custody is where the parents have more than one child and each parent has sole custody (as defined by the Child Support Guidelines) of one child. In other words, one or more children live mainly with one parent and one or more children live mainly with the other parent.

Declaration of Fatherhood

tshishe-kamakunuesht tshissenitam^u kie uitam^u auenua uetauit ne auass

A decision of a judge as to who is the father of a child where this has been called into question. Sometimes referred to as declaration of paternity.

Default

eka minu-tutakanit ka itashuenanut

Default is the failure to do something. Examples are not obeying the terms of a Court order or not filing documents the Court needs.

Default Judgment

tshishe-kamakunuesht uetashutam^u tanite ama tau auen tshipa takushinipan

A judgment obtained where the respondent fails to defend against the applicant's claim.

Delegated Authority (Child Protection)

e minakanit auen tshetshi uetashutak tshekuannu

When a social worker is not available, the director can delegate authority to another person to perform the duties of that person.

Dependant

ne auen tshika pakassikanipan

A person who relies on another for support. A person whom another has an obligation to support.

Director of Child, Youth & Family Services (Regional) (Child Protection)

utshimau mitshim-utshimau

An official whose duty it is to ensure that the provisions of the Child, Youth and Family Services Act are carried out. Each regional health authority appoints its own director of CYFS Act. There is also a provincial director.

Dispute Resolution

kueshtetshe ishi-tutakanua eka pitakatakanit nete kaueveshinitunanit

Ways to resolve conflict without going before a judge. See Alternative Dispute Resolution.

Docket

mashinaikan ka ishi-ueveshiakaniht auenitshi

A list of the Court matters to be heard on a particular day in Court.

Domestic Contract

nasht tshika ui tutam^u ka tapuetashunanut anitshi shash ka tshi uitapimituat kie mak eshk^u uiatapimtu

In family law, a contract between people setting out their obligations towards and expectations of each other. Types of domestic agreements include: marriage contracts, cohabitation agreements and separation agreements.

Domestic Violence

ka piuenimitut kavitshimitut

Any or all of the many different forms of abuse and mistreatment that people may experience in their intimate domestic relationships.

Duty to Report (Child Protection)

uipat tshetshi mamishitsheminanut pauenimakaniti auass

When a person has information that a child is or may be in need of protection, the person must immediately report the matter to a

CYFS director, social worker or peace officer. It is an offence not to do so. See s. 15 of CYFS Act.

Emergency Protection Order

tshishe-kamakunuesht umashinaikan tshetshi uipat nakatuenimakanit auenitshenat ka piuenimakanit

An EPO is a court order that can be granted quickly in cases of family violence. To get an EPO the applicant needs to have lived in a conjugal relationship or had a child with the person who is being violent. This includes married, common law, and same sex couples. It can allow police to remove the alleged abuser from the home, take away any firearms or weapons, give the applicant temporary custody of the home and the children, and any other conditions the court thinks necessary. The police can make an application for an EPO 24 hours a day. As well, an application for an EPO can be made by an individual, or a lawyer on his/her behalf.

Emotional Harm (Child Protection)

eshi-akuaikanit auass etenimut

Harm to child on an emotional level. See s. 14 of CYFS Act.

Enforcement

shitshimakanu aven tshetshi tutakanit ka itashuet

Where one party takes measures under the law or with permission of the court to compel the other party to obey a court order.

Evidence

mishue tshekuana e tshi uapatinuet put e tshi petakanit nete kaueveshinitunanit

Statements, information, and things that are used in court to prove or disprove an alleged fact.

Ex Parte Application

mashinaikan ka shakassinitakanit nete kaueshinitunanit iapit eka tat ne peik' auen

Latin term, meaning made in the absence of the opposing party. This is a type of Court application which is made on behalf of only one party, without notice to any other party.

Examination

e kukuetshimakanit katshissenitak eshpanit

The questioning of a witness under oath or affirmation. Direct Examination: The questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify. Cross Examination: The examination of a witness by an opposing party to develop or test the truth of evidence given by the witness during direct examination.

Exhibit

tshekuana tshe uapatinuat anite kaueueshinitunanit

A paper, document or piece of physical evidence provided to the Court at a trial or hearing or as a part of an affidavit.

Expert

kamishta-tshissenitak

A person who has developed skill and knowledge on a subject and is accepted by a court as being able to form opinions on evidence presented to assist the judge.

Extraordinary Expenses (Child Support Guidelines)

etatu minakanu shunianu nenu eshpish minakanit pakassiu-shunianu tshetshi tshishkutamashuatshet auass

Expenses for primary or secondary school education or for any other educational programs that meet the child's particular needs; or expenses for extracurricular activities which meet the following criteria: (1) they are expenses that are higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, in light of that parent's income (including the child

support amount), or (2) they are expenses that are not higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, but that are extraordinary taking into account: - the income (including child support) of that parent, - the nature and number of the programs and extracurricular activities, - any special needs and talents of the child, - the overall cost of the programs and activities, and - any other similar factor that is relevant.

Family Group Conference (Child Protection)

mamu uikanisha kie mishue auenitshenat mamuituat tshetshi uavitakaniht auass tshe ishi-minupanit

A family group conference is an ADR method which brings together members of the parent's/child's family as well as others. The aim is to attempt to address and resolve issues which the parent may have. See s. 13 of CYFS Act.

Family Justice Counsellor

ne auen ka uavitshiat uikanishimaua eka minupanniti

Counsellor who works for Family Justice Services.

Family Justice Mediator

ne auen nasht eka tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit tshetshi minupanit tshekuan

A mediator is a trained, impartial third party who helps two or more parties discuss a dispute and work toward a solution that is acceptable to all parties. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and to work towards a mutually acceptable solution. Family Justice Services employs mediators who work specifically with people who are in family law disputes.

Family Justice Services

uikanishimaua ka ui uavitshiat eshk^u eka ka pitakatakanit nete kaveshinitunanit

Family Justice Services (FJS) offers services that assist families in resolving their own separation and divorce issues. FJSD places emphasis on the needs of children and promotes dispute resolution outside the Court.

Family Law

uikanishimauat tshishe-utshimau utapuetamunuau

The laws that deal with family-related issues such as divorce, custody and access, division of property, support, etc.

Family Services Agreements (Child Protection)

tapuetamuna ka tapuetashunanuti

A director or social worker may provide services to children, youth and families, and may enter into written agreements with respect to the services to be provided and the responsibilities of each party to an agreement. See s. 10(1) of CYFS Act.

Fees

e tshishikashunanut

1. A charge for services. 2. Court fees payable in various proceedings as set out by regulation.

File (verb)

minuanu mashinaikana nete kaveshinitunanit

To formally submit a document to the court.

Financial Statement

mashinaikan etashtet eshpish takuak ushuniam auen

Document that sets out a person's income, expenses, property, debts and liabilities.

Garnishee

ka pakuenikanit ushuniyam ishpish e uiashut

A third party who owes money to a debtor, but must instead pay it to the court or a government agency, to the benefit of a creditor.

Garnishment

kaueveshinitunanut ka itashuanut tshetshi pakuenikanit ushuniyam e uiashut

A process whereby a person who has a court order for payment can demand money owed to a debtor by someone else. Most often, people garnish wages or bank accounts.

Hearing

nanatu-tshissenitakanu anite kauevshinitunanit

Generic (general) label to describe a court proceeding.

Imputed Income

tshishe-kamakunvesht anuetam^u nenu eshpish tutak shunianu muk^u uitamueu tan eshpish itenitak tshishe-kamakunvesht tshipa ishpish shuniatshenua

In family law, when a judge finds that the amount of income a parent discloses is not accurate, the judge may attribute additional income to that person for purposes of calculating child support. A judge can also impute income when no income information is provided.

In Camera

ama tapuetuakanu kutakat auenitshi tshetsh pitutshet nete kauevshinitunanit

Private/closed; said of hearings that are not open to the public or the media.

Income Support

mitshim-utshimau eshpish uitshiu^et shunianu

Financial benefits paid by the Provincial government to adults in the province to meet their daily living expenses.

Interim Care (Child Protection)***ushkat e tshitshipanit e nakatuenimakanit auass***

This is temporary care without an order. In cases where a child is removed, he/she is considered to be in the “interim care” of a director immediately after removal. The child remains in interim care until he/she is either returned to the parent from whom he/she was removed within 72 hours of removal, or a judge makes an order at a presentation hearing. During the time a child is in interim care the director or a social worker can allow the child to be examined by a health care professional and also consent to necessary routine health care for the child where the parent cannot be contacted if, in the opinion of a qualified health practitioner, the health care should be provided without delay. See s. 27 of CYFS Act.

Interim / Interlocutory Order***apishish apatshitakanu mashinaikan nete kaueveshinitunanit***

An order that is valid for a specified period of time or until there is a final order. It does not finally dispose of the case or claim before the Court.

Interjurisdictional Support Orders Act***takuanua tshishe-kamakunuesht umashinaikannu
aiapatshitat nete iatassit auen etati tshetshi minakanit
pakassiu-shunianu***

The *Interjurisdictional Support Orders Act* and the Regulations made under it apply where either the person who is seeking a support order or the person who is being asked to pay support lives outside the Province of Newfoundland and Labrador. It can be used to obtain a new order for child, spousal or partner support or to vary an existing order. It cannot be used to apply for or to vary an order with respect to custody of or access to a child.

Interview of the Child (Child Protection)***ishinakuannu tshetshi aimikut mitshim-utshimaua auass***

The CYFS Act states that people who have custody of a child or are entrusted with the care of a child must permit the child to be visited

and interviewed by a director or social worker, and allow such an interview to be done in private at the place the child is located when the director or social worker deems it to be appropriate. See s. 17 of CYFS Act.

Joint Custody

tapishkut uikanishimauat tshika ishi-uetashumeuat nenua auassa

A parenting arrangement where parents make major decisions about the children together. The day-to-day decisions for the children are made by the parents whom the children are with. The children may reside with one parent the majority of the time or they may spend equal amounts of time with both parents.

Joint Interview (Child Protection)

mitshim-utshimau mak kamakueshiht mamu nanatu-tshissenitamuat

In cases involving allegations of sexual or physical abuse, a social worker and the police will do a joint interview of the child.

Law [also called Act, Legislation, Statute]

tshishe-utshimau umashinaikan eshi pimipanit

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

Leave of the Court

tapuetakanu anite kaueshinitunanit

Permission of the judge or court.

Legal Aid

ka uauitshinueshit nete kaueveshinitunanit

Legal services mainly funded by government to assist those who are financially unable to retain a lawyer privately. The Newfoundland and Labrador Legal Aid Commission administers Newfoundland and Labrador's legal aid program, which includes legal aid offices, duty counsel, and certificates for private lawyers.

Legislation [also called Act, Law, Statute]

tshishe-utshimau umashinaikan ka mashinatenit

See Act.

Less Intrusive Course of Action (Child Protection)

ama utinakanu auass eshk^u nakatuenimakanu

An action which is less severe than removing a child, but still adequately protects the child.

Limitation Period

*takuan tipaikan tshe ishpish tshi pitakatakanit nete
kaueveshtakanit*

The statutory time limit for commencing a legal proceeding. Statutory means set out in law.

Litigation

tan eshpanit nete kaueveshinitunanut

Legal proceedings before a court.

Maintenance

pakassiu-shuniau

Money paid by a person toward the living expenses of a spouse, child, or dependant parent. Usually called "support". (See also child support and spousal support.)

Marriage Contract

*nasht tshika ui tutam^u ka tapuetashunanut anitshi niapauiht
kie ua nipauiht*

A contract entered into by two persons who are married to each other, or who intend to marry each other, in which they agree on their respective rights and obligations during the marriage, or in case of separation, divorce, annulment or death.

Mediation

eka nasht tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit auass tshe ishi-minupanit

Mediation is a process for working out disagreements with the help of a trained, impartial person (a mediator). Mediation allows disputes to be settled outside of court. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and work towards a mutually acceptable solution.

Mediation (Child Protection)

eka nasht tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit auass tshe ishi-minupanit

A type of alternative dispute resolution in which a trained, impartial mediator helps the parties reach agreements outside of court. See s. 13 CYFS Act.

Mediation (Family Justice)

eka nasht tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit auass tshe ishi-minupanit

A type of alternative dispute resolution in which a trained, impartial mediator helps the parties reach agreements about issues such as custody/access and child support.

Mediator, Family Justice

ne auen nasht eka tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit tshetshi minupanit tshekuan

A mediator is a trained, impartial third party who helps two or more parties discuss a dispute and work toward a solution that is acceptable to all parties. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and to work towards a mutually acceptable solution. Family Justice Services

employs mediators who work specifically with people who are in family law disputes.

Neglect (Child Protection)

auass eka ka minu-nakatuenimakanit

In child protection cases, the failure by a parent or other caregiver to provide for a child's basic physical, emotional or developmental needs or to protect a child from harm or potential harm.

No Contact Orders (Child Protection)

tshishe-kamakunuesht itashueu tshe eka nasht uapamat kie mak aimiat auen nenua auassa

Where there are reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention, CYFS may apply to court for an order to prohibit contact between the child and that person. See s. 21 of CYFS Act.

Notice of Removal of Child (Child Protection)

uauitakanu uetinakanit auass

Where a child is removed (with or without warrant) from the care of a parent or other person, CYFS shall serve written notice of the removal on the parent and the child (where child is 12 or older) within 24 hours of the removal stating the reason why the child was removed. See s. 26 of CYFS Act.

Notification (Child Protection)

uauitamatum

To inform or advise of upcoming action.

Oath

nasht tapuetam^u tshetshi tapuet anita aiambiau-mashinaikan

A solemn declaration, followed by a swearing to God or an honoured deity, whereby the person promises to tell the truth.

Order for Medical Treatment (Child Protection)***tshishe-kamakunuesht itashueu tshetshi natukaiakanit auass***

Where CYFS believes that a child is in need of protective intervention because his/her parents refuse to obtain or permit essential treatment that is recommended by a qualified health practitioner, CYFS can apply to a court to authorize the treatment. See s. 32 of CYFS Act.

Order Where Location of Child not Disclosed (Child Protection)***tshishe-kamakunuesht itashueu eka tshetshi uitakanit tanite etat auass***

In cases where CYFS is denied access to a child where it is believed that such access is necessary to determine whether the child is in need of protective intervention, CYFS can apply to a judge for a specific order. Such orders can require that the person must disclose the location of the child, allow CYFS to interview and see the child, allow CYFS to remove the child for an interview or medical exam and authorize a medical practitioner to examine the child. See s. 18 of CYFS Act.

Out of Province Order (Child Protection)***tshishe-kamakunuesht umashinaikan ka tutakanit iatassit ute Kanata eshk^u minuanu***

Where an order has been made in another province of Canada under provisions similar to those in the CYFS Act, the order has the same effect in this province as if it were an order made under the CYFS Act, unless it is ordered otherwise. See s. 61 of CYFS Act.

Parent Information Session***uikanishimauat ka tipan ka taht uavitamuakanuht tan tshe ishi-tutakuht uinuau mak utauassimuava***

Family Justice Services provides Parent Information Sessions for parents who no longer live together. These sessions cover a number of topics including: The emotional, physical and economic impacts of

separation and divorce, general legal information, children's needs following separation and developing communication skills.

Parent of a Child (Child Protection)

ka kanuenimikut auass

"Parent of a child" means (i) the custodial parent of a child (including mother, father or step-parent); (ii) a non-custodial parent who regularly exercises or attempts to exercise rights of access; (iii) a person to whom custody of a child has been granted by a written agreement or by a judge; or (iv) a person with whom a child resides, except a caregiver. See s. 2 of CYFS Act.

Parenting Plan

uikanishimauat tshika uavitamuat kie tshika tapuetatuat tan tshe tutuat utauassimuaua nekatutavi

A plan developed by parents which sets out their arrangements for the care of their children after separation. The plan can be informal or can be contained in a separation agreement or court order.

Participation by Child (Child Protection)

minakanu auass tshetshi uavitak tshekuannu nete kaueveshinitunanit

Where a child who is the subject of a hearing under the CYFS Act requests that his/her views be known at the hearing, the judge has a number of options. These include meeting with the child with or without the other parties and their lawyers; permitting the child to testify at the hearing; considering written material submitted by the child; or allowing the child to express his/her views in some other way. See s. 53 of CYFS Act.

Party

1. auen kie mak auenitshi ka ueveshinitut nete kaueveshinitunanut 2. auenitshi e tapuetaushut, essishuet kie mak e mashinaushut

1. A person by or against whom a legal action is brought. 2. The people who make promises to each other in a contract.

Paternity***tshek auen ka utaumaut***

In law, the question of who is the father of a child.

Payee***ka tshishikuakanit***

The person who is owed money under a court order or agreement. Also called a recipient.

Payor***ka tshishikatshet***

A person who is required to pay money to another person under a court order or agreement.

Placement Considerations (Child Protection)***minu-tshitapakanu tanite tshe nakatuenimakanit auass***

Factors which must be considered when deciding where a removed child should be placed. For example, the placement should be least disruptive to a child, it is important to keep siblings together, contact with family or other significant people are important. Consideration should first be given to placing the child with a relative or a person with whom the child has a significant relationship. See s. 62 of CYFS Act.

Plan of Care (Child Protection)***uavitakanu auass tshe ishi-uavitshiakanit***

In child protection cases, a written plan developed by a social worker, a parent or other person who wishes to be involved in the child's life that sets out such things as arrangements for where the children will live, access rights for parents or caregivers, education, activities, support services or counselling for the child and family.

Precedent

shash tshishi-uevetashutakanu, kutak tshishe-kamakunuesht tshika tshi apatshitau

A judicial decision or judgment that is cited/used as the authority for deciding a similar situation in the same manner.

Presentation Hearing (Child Protection)

tshishe-kamakunuesht nanatu-tshissenitam^u tshetshi tapue ishinakuash ne auass tshetshi nakatuenimakanit

An interim hearing at which a judge may give an interim or final order. Where CYFS applies for a protective intervention hearing, CYFS shall be given a date for a presentation hearing, which shall be held not later than 10 days after the date on which the application is filed. The purpose of a presentation hearing is for the judge to decide if there is reason to believe that the child is in need of protection. Evidence can be presented from both sides. The presentation hearing is usually informal and does not normally take longer than a day. At this point the judge can decide to dismiss the application and send the child home. If the case for protective intervention is very strong then the judge might make a decision as to how the child will be protected. Most often a judge will leave the final decision for a second hearing and will then have to decide who will care for the child in the interim.

Pre-trial Settlement Conference (Child Protection)

tshishe-kamakunuesht uapamakanu tshetshi tshishtakanit eka pitakatakanit nete kaueveshinitunanit nenua auassa ka ut ui ueveshiakaniti

A short meeting with a judge who is not going to be hearing the trial. At this meeting, the parties briefly explain to the judge their own positions on each issue. The judge then gives a brief opinion based on how he or she thinks the case could be resolved. This meeting is used to help settle cases.

Protective Intervention Hearing (Child Protection)

eukuannu nishuau tshishe-kamakunuesht tshe uitak tshe ishi-nakatuenimakanit auass

Within the next day of a child having been removed, CYFS must file an application for an order of a judge that the child is in need of protective intervention and for a protective intervention hearing which must be held no later than 30 days after the child's removal. At the time of the hearing the judge will decide if CYFS needs to protect the child. If the judge decides that they do, then the judge must decide how the child will be protected. The child may be returned to the parent(s) but with the condition that a social worker will monitor the family for up to six months. The child may be placed in the custody of another family member or someone important to the child. CYFS may be given temporary or continuous custody of the child.

Provisional Order

tshishe-kamakunuesht umashinaikan ka tutakanit iatassit ute Kanata muk^u ama minuanu ute eshk^u eka tapuetak tshishe-kamakunuesht ute

A child support order that is made in one province but has no legal effect until it is confirmed in another province.

Publication Ban

ama tapuetakanu tshetshi ueueshtakanit tshekuan ka issishuanut anite kauishinitunanit

A court order or law that prohibits the publication of information that might identify a complainant, offender, child, or witness, or prohibits the publication of a report of the hearing or trial or a specified part of the hearing or trial.

Quash

uepinakanu

To terminate or void something.

Recipient***ishinakuan tshetshi tshishikuakanit***

In family law cases, a person who is entitled to receive support under an order or agreement. Also called a payee.

Reciprocating Jurisdiction***nete iatassit iapit minuau tshetshi apatshitakanit pakassiu-shunia tapuetamun mashinaikan***

In family law cases, another province, territory or country that has entered into an agreement with NL for the enforcement of support orders and the making or changing of support orders. Reciprocating jurisdictions are listed in a regulation under the *Interjurisdictional Support Orders Act*.

Reconnection Process***tshetshi kau tshitshipanitakanit tan tshika ishi-uauitshiakanu uikanishimau mak ne auass***

This is a service offered by Family Justice Services where there has been a breakdown in the parent-child relationship. The re-establishment of the relationship is explored.

Removal (Child Protection)***tshishe-kamakunuesht ka itishuet tshetshi utinakaniti auassa***

In child protection cases, to remove a child from his or her parents or the person having care of the child and take him or her to a place of safety. A warrant is normally required in order to remove a child, except in exceptional circumstances (for instance, if the child is in immediate danger).

Removal of Youth in Exceptional Circumstances (Child Protection)***utinakanu ussinitshishiu-auass nasht patush eshinakaniti tshetshi utinakanit***

Where a director or social worker believes on reasonable grounds that: (a) a youth is in need of protective intervention; (b) a less

intrusive course of action is not available or will not adequately protect the youth; and (c) the director or social worker considers the circumstances to be of an exceptional nature, the director or social worker may remove the youth. See s. 24 of CYFS Act.

Request for Family Justice Services

*uikanishimauat natuenitamuat mashinaikannu tshetshi
uavitshiakaniht eka ituteht kaueveshtakanit*

When both parents wish to access Family Justice Services without a court application, they both may complete a document called a "Request for Family Justice Services".

Rescind

nakanikanu

To cancel.

Rescind Continuous Order (Child Protection)

*nete ut kaueeshinitunanit tapuetuakanu tshetshi
tshiuetishinakanit auass*

To cancel or revoke a continuous order. If the court gives permission, under certain circumstances, a person can apply to the court to rescind a continuous custody order. See s. 44 of CYFS Act.

Reserved Judgment

tshishe-kamakunuesht ashupatam^u eshk^u eka uetashutak

When the judge postpones making a decision to research, study the law, or review the evidence presented during the proceeding.

Respondent

ne auen ka tshiuetishina aimunnu

A person against whom a claim is made in an application, answer or appeal.

Response***tshivenikanu kau mashinaikan***

The formal answer or reply to a court application. It should address the claims made by the Applicant and state clearly the reason the Respondent is defending the action.

Restraining Order***1. ama tapuetuakanu nasht tshetshi peshuapamat 2. ama tapuetuakanu kavitshimakanit tshetshi atavatshet utipenitamuava***

1. In family law cases, an order restraining harassment that prohibits a person from molesting, annoying, harassing or communicating with his/her spouse, his/her children, or a person having custody. 2. In family law cases, an order stopping one spouse from selling or depleting joint property.

Return of Child at Any Time (Child Protection)***shash tshivetishinakanu auass ka ut utinakanit***

A child may be returned to the parent from whom the child was removed at any time where (i) circumstances have changed so that the child in the opinion of CYFS no longer needs protective intervention; or (ii) the parent enters into an agreement that is considered by CYFS to be adequate to protect the child. See s. 46 of CYFS Act.

Risk Assessment (Child Protection)***nanatu-tshissenitakanu tan eshi-manenimakanit auass***

Standardized system to identify, assess, respond, and document the risk of maltreatment of a child/ren.

Risk of Emotional Harm (Child Protection)***put tshipa tshi akuaiku auass etenimut***

There is a possibility that a child will be harmed on an emotional level.

Rules of Court

kaueveshinitunanit eshi-pimipanitakanit

The written procedures which govern the proceedings in the court and which are to be followed by the parties.

Safety Assessment (Child Protection)

tshinishtapa nanatu-tshissenitakanu auass tshetshi eka uesh ishpanit

Initial assessment of a child's immediate safety.

Safety Plan (Child Protection)

mashinaikan tutakanu uikanishimauat e tapuetakau tshetshi eka uesh ishpanit auass

A written document which states what the parents will do to ensure the safety of a child.

Separation

ka nakatut

In family law cases, where spouses are living separate and apart and one or both of them has the intention of ending the relationship.

Separation Agreement

tapuetatushun tan tshe ishi-nakatunanut

Agreement by two people, who cohabited and have separated, on their respective rights and obligations.

Service

mashinaikannu minakannu

The formal delivery of a legal document to the required person in accordance with the rules of court.

Settlement Conference

tshishe-kamakunuesht natshishkuakanu eka pitakatakanit nete kaueveshinitunanit

A short meeting with a judge who is not going to be hearing the trial. At this meeting, the parties briefly explain to the judge their own positions on each issue. The judge then gives a brief opinion based on how he or she thinks the case could be resolved. This meeting is used to help settle cases.

Shared Custody

auass uitshimeu nete papeik^u uikanisha uitshinit tshekat tetaut ishpish tau

According to the Child Support Guidelines, shared custody is when the children live at least 40% of the time with each parent. Note: the only place where this term is found in legislation is in the Child Support Guidelines. It is defined in the context of the amount of time a child lives with each parent.

Sole Custody (Child Support Context)

auass uitshimeu nenua uikanisha ka tshikuakaniti nenu pakassiu-shunianu

The child lives mainly with the person receiving child support.

Sole Custody (Parenting Context)

peik^u uikanishimau uin nasht uevetashumeu auassa

In a sole custody arrangement the children live primarily with one parent who has decision making responsibility. The other parent usually has the right to have the children spend time with him or her and request and receive information about the children.

Solemnization of Marriage Act

tshishe-utshimau umashinaikan tan tshe ishinashatakanit ne e nipaunanut

In Newfoundland and Labrador, the legal requirements for getting married can be found in the Solemnization of Marriage Act.

Special Expenses

etatu minakanu shunianu nenu eshpish ka tshi minakanit pakassiu-shunianu

Special expenses are expenses that the amounts in the child support tables may not cover. The guidelines define special expenses as expenses that are: necessary because they are in a child's best interests, and reasonable in relation to the means of the parents and of the child and consistent with the family's spending patterns prior to the separation. Special expenses include:

- child-care expenses that a parent with whom the child lives incurs as a result of the parent's job, illness, disability or educational requirements for employment,
- the portion of a parent's medical and dental insurance premiums that provides coverage for the child,
- the child's health-care needs over and above that covered by insurance (for example, orthodontics, counselling, medication, eye care and other items) that exceed \$100 per year,
- the child's extraordinary expenses for extracurricular activities,
- the child's extraordinary expenses for primary and secondary education or other educational programs, and,
- the child's expenses for post-secondary education.

Split Custody

ka tipan ka ianakanit auassat

According to the Child Support Guidelines, split custody is when the parents have more than one child and each parent has sole custody (as defined by the Child Support Guidelines) of one child. In other words, one or more children live mainly with one parent and one or more children live mainly with the other parent.

Spousal Support

pakassiu-shunianu mineu uitshimakana

Money paid by one spouse to another to contribute to the other spouse's living expenses.

Spouse

uitshimakana

A person who lives with another person in a conjugal relationship, either inside or outside marriage. The length of time required to qualify as a spouse in situations outside of marriage is different under different statutes.

Standard of Proof

tshishe-utshimau-ukakausseshima put kavitshinuesht tshika ui tapuemeu tshetshi tapuemakanit

The amount of proof needed in order for one side of a dispute to prove their case in court. Balance of Probabilities: This is the standard of proof used in civil and family matters. Beyond a Reasonable Doubt: This is the standard of proof used in criminal matters. This higher standard of proof reflects the potentially serious consequences (loss of liberty) in criminal cases.

Standing

aven utipenitamun tshetshi pitakatat tshekuannu nete kaueveshinitunanit

A party's right to make a legal claim or seek judicial redress.

Statement of Financial Information

mashinaikan etashtet eshpish takuak ushuniam aven

See Financial Statement.

Statute [also called Act, Law, Legislation]

peik^u tshishe-utshimau umashinaikan eshi pimipanit

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

Subpoena (Witness)

mashinaikan tshetshi itutet nete kaueveshinitunanit

A document that compels a person to attend proceedings as a witness in order to give testimony.

Substituted Service

tipan tshe ishi-minakanit mashinaikannu

When the required person can not be served in accordance with the regular rules an application to serve the documents in a different way can be made. For example an application to request permission to serve a relative of the required person in place of the required person.

Summons

minakanu mashinaikannu tshetshi tat anite kaeshinitunanit

A document issued by a court, agency, board or commission, or another person, requiring a person to attend and to produce documents or other things.

Supervised Access (Child Protection)

e nakatuapamakanit auass e mupishtuakanit

Access visits with the child that take place in the presence of a third party, to ensure safety. The person is not usually named but normally is an employee of CYFS. It is not necessarily court ordered. Supervised access is generally ordered in situations where the Court believes it is necessary for the welfare or best interests of the children.

Supervision Order (Child Protection)

tshishe-kamakunuesht itashumeu mitshim-utshimaua tshetshi natshi-shatshuapamakanit auassa nete uitshinit

An order under the authority of the Child, Youth & Family Services Act where a child in need of protection is allowed to remain in his/her own home but may be visited, and the parents supervised, by a social worker acting with the authority of the Director of Child, Youth & Family Services.

Support

pakassiu-shuniau

Monetary assistance that a person provides for his or her dependant(s), for example, child support or spousal support.

Support Enforcement Program

ka uavitshiuashiht tshetshi kashtinakanit pakassiu-shunianu

The Support Enforcement Program (SEP) is a service provided by the Support Enforcement Division of the provincial Department of Justice. It is a program designed to make the exchange of spousal and/or child support payments run as smoothly as possible.

Support, Spousal

pakassiu-shunianu mineu uitshimakana

Money paid by one spouse to another to contribute to the other's living expenses.

Telewarrant (Child Protection)

tshishe-kamakunuesht umashinaikan kamituetisht e apashtakanit kie mak e petishamuakanit mitshim-utshimau tshetshi unvitashinakanit auass

When, in the opinion of a director or social worker, it is not practical to appear in person before a judge to apply for a warrant, the director or social worker can make the application by telephone or some other means on telecommunication. The Act sets out rules about how the telewarrant should be sought. See s. 25 of CYFS Act.

Temporary Custody Order (Child Protection)

tshishe-kamakunuesht mineu mitshim-utshimaua apishish tshetshi nakatuenimeniti auassa

An order under the authority of the Child, Youth & Family Services Act whereby a child is removed from his/her usual home on a temporary basis, in the hope that the situation will be improved so that the child can be returned to his/her own home. The child will either: (i) be placed in the care of someone (with that person's consent) other than the child's parent from whom the child was removed - under the supervision of CYFS; or (ii) be placed in the temporary care of CYFS. There are time limits for such orders (see s. 36 of CYFS Act). When a director has been granted temporary custody, CYFS has the right to make decisions about the child for the duration of the order. However, the child cannot be adopted during

that time (unless the parent from whom the child was removed gives consent), and CYFS must obtain the parent's consent for medical treatment of the child unless CYFS is granted a special order under s. 32 of CYFS Act.

Testimony

issishueun

The evidence given by a witness.

Transcript

kassinu mashinanikanu tshekuan essishuanit anite kaueshinitunanit

The record of oral testimony in a legal proceeding that was taken by a court reporter.

Uncontested

tapuetam^u

A case, or a step in a case, which is not contested by the responding party.

Undue Hardship

ama ishpanu pakassiu-shunianu tshetshi tshishikashut

In child support cases, a judge may order an amount different than the Child Support Guideline amount when the judge is convinced that ordering that amount would cause excessive financial difficulty to one of the parties involved. In order to convince the court that there is undue hardship, the person claiming it must be able to show that he/she has a good reason to claim undue hardship (the court will only accept a limited number of reasons) and the person must show that his or her household is at a lower standard of living than the other parent's.

Unjust Enrichment

etatu uin nutim tshekuannu ui tipenitimashu peik^u auen

A benefit obtained by one person at the expense of another, without a legal justification for it.

Variance / Variation

e mishkutinakanit tshishe-kamakunuesht umashinaikan shash ka takuanit

Change to an existing order.

Variance / Variation (Child Protection)

e mishkutinakanit tshishe-kamakunuesht umashinaikan shash ka takuanit

Change to an existing order. S. 60 of CYFS Act states: Where an order has been made under this Act, a judge may, upon application accompanied by evidence to the satisfaction of the judge that the circumstances relating to the child have changed since the original order was given, vary the order.

Vary

e mishkutinakanit

To change.

Victim Services (Child Protection)

ka uauitshiakanit auen eka ka minu-tutuakanit

The NL Department of Justice offers this program which assists victims through the criminal justice process. A variety of services are offered to victims such as: general information about the criminal justice system, specific case updates, help with writing a victim impact statement, court orientation, counselling, and referrals.

Voluntary Care Agreement (Child Protection)

uikanishimauat (ukauia kie mak utauia) tapuetamuat nete tshenakatuenimakaniht utauassimuaua

Parents agree to voluntarily place their children with someone (usually relatives) for a period of time. The agreement can be terminated by either the Department or the parent whenever they wish.

Waive***eka apatenitakuak***

To abandon a right or to refrain from insisting on a right or a formality.

Warrant (Child Protection)***tshishe-kamakunuesht umashinaikan takuannu tshetshi unuitashinakanit avass***

A court order which authorizes a director or social worker to enter a premises or vehicle or board a vessel or aircraft, by force if necessary, to remove a child. Note: A warrant is normally required before a child can be removed except in exceptional circumstances (such as if a child is in immediate risk of harm if they wait to obtain a warrant). There are other exceptions as well. See s. 23 (6) of CYFS Act.

Witness***katshissenitak eshpanit***

One who, in the course of judicial processes, provides evidence to assist a party or the court in a trial.

Youth (Child Protection)***avass eshk^u eka ashutashtatushap-tatupipuneshit (16) nete eshpish nianeutashtatushap-tatupipuneshit (18)***

A person who is 16 years of age or over but under 18. See s. 2 of CYFS Act.

Youth Care Agreement***utshimau mitshim-utshimau utapuetashun ushtinitshishu-avassa tshetshi nakatuenimakaniti***

A director or social worker may make a written agreement for services with a youth who: (a) cannot in the opinion of the director or social worker remain with or be re-established in the youth's family, temporarily or permanently; or (b) has no parent or other person willing or able to provide care to the youth. Note: The initial term of an agreement shall not exceed 6 months but the agreement may be renewed for additional terms of up to 6 months each. An agreement

under this section may be made, even if the youth is not or has not been in the care or custody of a director, but shall not continue beyond the youth's eighteenth birthday unless the young person has been in the care or custody of the director before his or her sixteenth birthday, in which case the agreement may be extended until his or her twenty-first birthday or school leaving, whichever event occurs first. See s. 11 of CYFS Act.

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Court Procedures and Family Justice Services *Mushuau Dialect*

Act [also called Law, Legislation, Statute]

tshishe-utshimau umashinaikan ka mashinatenit

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

Adjournment [also called Postponement]

nakaikanu apishish

The temporary delay in a Court proceeding. A case might be adjourned for a few hours, a few days or for months.

Affidavit

ka tapuetatishunanut mashinaikan e mashinataushunanut

A written statement or declaration of facts that is sworn or affirmed to be true. A party or witness may sometimes file an affidavit as a way of giving evidence in court.

Affidavit of Service [also called Proof of Service]

*mashinaushu mashinaikannu eshi-tapuet shash minakanu
mashinaikannu auennua*

An affidavit certifying that a document has been served on a party.

Affirmation

nasht tapueun

A solemn declaration made by a person to tell the truth in court or in an affidavit.

Alternative Dispute Resolution (ADR, General)***kueshtetshe ishi-tutakanua eka pitakatakanit nete kaueveshinitunanit***

Resolving conflict through means other than going to court. Examples include mediation or arbitration.

Amicus Curiae***uishamakanu kutak kavitshinuesht tshetshi uitshiat nenua nasht eshinakushiniti tshetshi uitshiakaniti***

Latin for "friend of the court." A lawyer who assists the court during the course of a hearing, to represent a position or interest, usually at the court's request.

Annulment***ama minuau ne ka nipaunanit***

A declaration by a judge that a marriage is invalid. If a marriage is annulled, it is as if the marriage never occurred.

Appeal***tshetshi minuut tshitapatakanit eshi-ueshiakanit***

A written document is filed to request that a decision made by a court be reviewed by a higher court. The person seeking to appeal must have proper grounds to appeal. This means there must be a legal reason to appeal (for example, the judge made a mistake when applying the law to the case).

Appeal Period***eshpish takuak tipaikan minuut tshetshi tshitapatakanit eshi-ueshiakanit***

The time limit within which an appeal can be made.

Appellant***ne auen ka natuenitak tshetshi mishkutinikanit eshi-ueveshinitunanit***

The party or person bringing an appeal.

Applicant

ne auen ka shakassinitat mashinaikannu ka natuenitak

A person who makes or starts an application in court.

Application

ka shakassinitakanit mashinaikan ka natuenitakanit

1. The commencement of a proceeding in a court by way of filing the appropriate court form. 2. A request to a court for a ruling or decision.

Application to Vary

natuenitakanu tshetshi mishkutinakanit tshishe-kamakunuesht umashinaikan

An application to the Court to change an existing order.

Attorney

kavitshinuesht

A term for lawyer. Also called counsel.

Binding

nasht tshika ui tutam^u tshishe-kamakunuesht etashuet

1. Mandatory (required). 2. When applied to a court decision, required to be followed in cases with similar circumstances.

Breach

ka pikunakanit tshekuan

A violation or infraction of a law or obligation.

Case

eshi-ueshiakanit auen

A matter brought before the court for a decision.

Case Law***tshishe-kamakunveshiht ka mashinash nenu ka ishi-tapuetashut***

Judge-made law and legal decisions from previous cases that form precedents for future cases. Depending on what level of court, case law can be binding or just persuasive.

Case Management***tshetshi uavitak nenu eka menupanit***

A process that gives parties in dispute scheduled opportunities to discuss the case in order to streamline proceedings.

Case Management Meeting***kaueshinitunanit kaitussetshiht uavitamuat tshekuannu tshipa ishi-minupannu***

An informal meeting between a judge and parties or their counsel to discuss and to potentially resolve issues related to the management of Court proceedings with a view to achieving the following purposes: (a) ensuring that maximum benefit is gained from each trial day; (b) making more efficient use of Court resources; (c) ensuring adequate and accurate amounts of time are reserved for trial; and (d) providing for the public interest in access to justice in a timely and cost effective manner.

Certify a Copy***tapuemakan ka peikutakanit ne mashinaikan***

To formally acknowledge in writing that a copy is an accurate copy of the original document. The certification of a document acts as an assurance that the photocopy is a true and accurate copy of the original. This is useful where it is impractical to provide or show the original document.

Cohabitation Agreement***utapuetatishunuau utipenitamunuava ka uitapimituht***

Agreement by two people who are not married to each other, but are living together as a couple or will be living together. The agreement

normally outlines their rights and obligations to each other during the time they live together, or in the event they separate, or die.

Common Law Relationship

ka uitapimitunanit

Two people are considered to be in a common law relationship when they live together in a conjugal (married-like) relationship without having been legally married.

Consent Order (General)

tshishe-kamakunuesht umashinaikan nenu tiapuetashunanut

An order made by the court based upon the agreement of the parties.

Contract

nasht tshika ui tutam^u ka tapuetashunanut

A written or oral agreement that is legally binding.

Costs

tan tshe ishpish tshishikashut ne aven ka unitat nete kaueveshinitunanit

A money award made by a court for expenses in bringing or defending a legal proceeding or step in a proceeding. Costs are intended to help compensate the successful party for his/her legal expenses as a result of being in Court. Costs may also be ordered against a person who fails to follow the Court's directions or instructions before or during a step in the case.

Counselling

ka uavitshiakaniht avenitshi

For the purpose of Family Justice Services, counselling is provided to help parents and/or children who need help adjusting emotionally to separation.

Court Clerk

tshishe-kamakunuesht ukaitusseshima

Court staff who work at the court. In the courtroom court clerks open the court, announce the judge, announce cases, record the proceedings and administer oaths for witnesses. Court clerks also have other duties outside their courtroom work.

Default

eka minu-tutakanit ka itashuenanut

Default is the failure to do something. Examples are not obeying the terms of a Court order or not filing documents the Court needs.

Default Judgment

tshishe-kamakunuesht uetashutam^u tanite ama tau auen tshipa takushinipan

A judgment obtained where the respondent fails to defend against the applicant's claim.

Dispute Resolution

kueshtetshe ishi-tutakanua eka pitakatakanit nete kaueveshinitunanit

Ways to resolve conflict without going before a judge. See Alternative Dispute Resolution.

Docket

mashinaikan ka ishi-ueveshiakaniht auenitshi

A list of the Court matters to be heard on a particular day in Court.

Domestic Contract

nasht tshika ui tutam^u ka tapuetashunanut anitshi shash ka tshi uitapimituat kie mak eshk^u uiatapimtuut

In family law, a contract between people setting out their obligations towards and expectations of each other. Types of domestic agreements include: marriage contracts, cohabitation agreements and separation agreements.

Domestic Violence

ka piuenimitut kavitshimitut

Any or all of the many different forms of abuse and mistreatment that people may experience in their intimate domestic relationships.

Enforcement

shitshimakanu auen tshetshi tutakanit ka itashuet

Where one party takes measures under the law or with permission of the court to compel the other party to obey a court order.

Evidence

mishue tshekuana e tshi uapatinuet put e tshi petakanit nete kaueveshinitunanit

Statements, information, and things that are used in court to prove or disprove an alleged fact.

Ex Parte Application

mashinaikan ka shakassinitanit nete kaueshinitunanit iapit eka tat ne peik^u auen

Latin term, meaning made in the absence of the opposing party. This is a type of Court application which is made on behalf of only one party, without notice to any other party.

Examination

e kuketshimakanit katshissenitak eshpanit

The questioning of a witness under oath or affirmation. Direct Examination: The questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify. Cross Examination: The examination of a witness by an opposing party to develop or test the truth of evidence given by the witness during direct examination.

Exhibit***tshekuana tshe uapatinuat anite kaueveshinitunanit***

A paper, document or piece of physical evidence provided to the Court at a trial or hearing or as a part of an affidavit.

Expert***kamishta-tshissenitak***

A person who has developed skill and knowledge on a subject and is accepted by a court as being able to form opinions on evidence presented to assist the judge.

Family Justice Counsellor***ne auen ka uavitshiat uikanishimaua eka minupanniti***

Counsellor who works for Family Justice Services.

Family Justice Mediator***ne auen nasht eka tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit tshetshi minupanit tshakuan***

A mediator is a trained, impartial third party who helps two or more parties discuss a dispute and work toward a solution that is acceptable to all parties. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and to work towards a mutually acceptable solution. Family Justice Services employs mediators who work specifically with people who are in family law disputes.

Family Justice Services***uikanishimaua ka ui uavitshiat eshk^u eka ka pitakatakanit nete kaueshinitunanit***

Family Justice Services (FJS) offers services that assist families in resolving their own separation and divorce issues. FJSD places emphasis on the needs of children and promotes dispute resolution outside the Court.

Family Law

uikanishimauat tshishe-utshimau utapuetamunuau

The laws that deal with family-related issues such as divorce, custody and access, division of property, support, etc.

Fees

e tshishikashunanut

1. A charge for services. 2. Court fees payable in various proceedings as set out by regulation.

File (verb)

minuanu mashinaikana nete kaeshinitunanit

To formally submit a document to the court.

Hearing

nanatu-tshissenitakanu anite kaeshinitunanit

Generic (general) label to describe a court proceeding.

In Camera

ama tapuetuakanu kutakat auenitshi tshetshi pitutshet nete kaeshinitunanit

Private/closed; said of hearings that are not open to the public or the media.

Interim / Interlocutory Order

apishish apatshitakanu mashinaikan nete kaeshinitunanit

An order that is valid for a specified period of time or until there is a final order. It does not finally dispose of the case or claim before the Court.

Law [also called Act, Legislation, Statute]

tshishe-utshimau umashinaikan eshi pimipanit

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

Leave of the Court***tapuetakanu anite kaueshinitunanit***

Permission of the judge or court.

Legal Aid***ka uauitshinveshit nete kaueveshinitunanit***

Legal services mainly funded by government to assist those who are financially unable to retain a lawyer privately. The Newfoundland and Labrador Legal Aid Commission administers Newfoundland and Labrador's legal aid program, which includes legal aid offices, duty counsel, and certificates for private lawyers.

Legislation [also called Act, Law, Statute]***tshishe-utshimau umashinaikan ka mashinatenit***

See Act.

Limitation Period***takuan tipaikan tshe ishpish tshi pitakatakanit nete kaueveshtakanit***

The statutory time limit for commencing a legal proceeding. Statutory means set out in law.

Litigation***tan eshpanit nete kaueveshinitunanut***

Legal proceedings before a court.

Marriage Contract***nasht tshika ui tutam^u ka tapuetashunanut anitshi niapauiht kie ua nipauiht***

A contract entered into by two persons who are married to each other, or who intend to marry each other, in which they agree on their respective rights and obligations during the marriage, or in case of separation, divorce, annulment or death.

Mediation

eka nasht tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit auass tshe ishi-minupanit

A type of alternative dispute resolution in which a trained, impartial mediator helps the parties reach agreements about issues such as custody/access and child support.

Mediator, Family Justice

ne auen nasht eka tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit tshetshi minupanit tshekuan

A mediator is a trained, impartial third party who helps two or more parties discuss a dispute and work toward a solution that is acceptable to all parties. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and to work towards a mutually acceptable solution. Family Justice Services employs mediators who work specifically with people who are in family law disputes.

Oath

nasht tapuetam^u tshetshi tapuet anita aiamaia-mashinaikan

A solemn declaration, followed by a swearing to God or an honoured deity, whereby the person promises to tell the truth.

Parent Information Session

uikanishimauat ka tipan ka taht uavitamuakanuht tan tshe ishi-tutakuht uinuau mak utauassimuaua

Family Justice Services provides Parent Information Sessions for parents who no longer live together. These sessions cover a number of topics including: The emotional, physical and economic impacts of separation and divorce, general legal information, children's needs following separation and developing communication skills.

Party

1. aven kie mak avenitshi ka ueveshinitut nete kaueveshinitunanut 2. avenitshi e tapuetashut, essishuet kie mak e mashinaushut

1. A person by or against whom a legal action is brought. 2. The people who make promises to each other in a contract.

Precedent

shash tshishi-uevetashutakanu, kutak tshishe-kamakunuesht tshika tshi apatshitau

A judicial decision or judgment that is cited/used as the authority for deciding a similar situation in the same manner.

Provisional Order

tshishe-kamakunuesht umashinaikan ka tutakanit iatassit ute Kanata muk^u ama minuanu ute eshk^u eka tapuetak tshishe-kamakunuesht ute

A child support order that is made in one province but has no legal effect until it is confirmed in another province.

Publication Ban

ama tapuetakanu tshetshi ueveshtakanit tshekuan ka issishuanut anite kauishinitunanit

A court order or law that prohibits the publication of information that might identify a complainant, offender, child, or witness, or prohibits the publication of a report of the hearing or trial or a specified part of the hearing or trial.

Quash

uepinakanu

To terminate or void something.

Reconnection Process

tshetshi kau tshitshipanitakanit tan tshika ishi-uavitshiakanu uikanishimau mak ne auass

This is a service offered by Family Justice Services where there has been a breakdown in the parent-child relationship. The re-establishment of the relationship is explored.

Request for Family Justice Services

uikanishimauat natuenitamuat mashinaikannu tshetshi uavitshiakaniht eka ituteht kaueueshtakanit

When both parents wish to access Family Justice Services without a court application, they both may complete a document called a "Request for Family Justice Services".

Rescind

nakanikanu

To cancel.

Reserved Judgment

tshishe-kamakunuesht ashuapatam^u eshk^u eka uetashutak

When the judge postpones making a decision to research, study the law, or review the evidence presented during the proceeding.

Respondent

ne auen ka tshiuetishina aimunnu

A person against whom a claim is made in an application, answer or appeal.

Response

tshiuenikanu kau mashinaikan

The formal answer or reply to a court application. It should address the claims made by the Applicant and state clearly the reason the Respondent is defending the action.

Restraining Order

1. ama tapuetuakanu nasht tshetshi peshuapamat 2. ama tapuetuakanu kavutshimakanit tshetshi atavatshet utipenitamuava

1. In family law cases, an order restraining harassment that prohibits a person from molesting, annoying, harassing or communicating with his/her spouse, his/her children, or a person having custody. 2. In family law cases, an order stopping one spouse from selling or depleting joint property.

Rules of Court

kaueveshinitunanit eshi-pimipanitakanit

The written procedures which govern the proceedings in the court and which are to be followed by the parties.

Separation

ka nakatut

In family law cases, where spouses are living separate and apart and one or both of them has the intention of ending the relationship.

Separation Agreement

tapuetatushun tan tshe ishi-nakatunanut

Agreement by two people, who cohabited and have separated, on their respective rights and obligations.

Service

mashinaikannu minakannu

The formal delivery of a legal document to the required person in accordance with the rules of court.

Settlement Conference

tshishe-kamakunuesht natshishkuakanu eka pitakatakanit nete kaueveshinitunanit

A short meeting with a judge who is not going to be hearing the trial. At this meeting, the parties briefly explain to the judge their own

positions on each issue. The judge then gives a brief opinion based on how he or she thinks the case could be resolved. This meeting is used to help settle cases.

Solemnization of Marriage Act

tshishe-utshimau umashinaikan tan tshe ishinashatakanit ne e nipaunanut

In Newfoundland and Labrador, the legal requirements for getting married can be found in the Solemnization of Marriage Act.

Standard of Proof

tshishe-utshimau-ukakausseshima put kavutshinuesht tshika ui tapuemeu tshetshi tapuemakanit

The amount of proof needed in order for one side of a dispute to prove their case in court. Balance of Probabilities: This is the standard of proof used in civil and family matters. Beyond a Reasonable Doubt: This is the standard of proof used in criminal matters. This higher standard of proof reflects the potentially serious consequences (loss of liberty) in criminal cases.

Standing

auen utipenitamun tshetshi pitakatat tshekuannu nete kaueveshinitunanit

A party's right to make a legal claim or seek judicial redress.

Statute [also called Act, Law, Legislation]

peik^u tshishe-utshimau umashinaikan eshi pimipanit

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

Subpoena (Witness)

mashinaikan tshetshi itutet nete kaueveshinitunanit

A document that compels a person to attend proceedings as a witness in order to give testimony.

Substituted Service***tipan tshe ishi-minakanit mashinaikannu***

When the required person can not be served in accordance with the regular rules an application to serve the documents in a different way can be made. For example an application to request permission to serve a relative of the required person in place of the required person.

Summons***minakanu mashinaikannu tshetshi tat anite kaeshinitunanit***

A document issued by a court, agency, board or commission, or another person, requiring a person to attend and to produce documents or other things.

Testimony***issishueun***

The evidence given by a witness.

Transcript***kassinu mashinanikanu tshakuan essishuanit anite kaeshinitunanit***

The record of oral testimony in a legal proceeding that was taken by a court reporter.

Uncontested***tapuetam^u***

A case, or a step in a case, which is not contested by the responding party.

Variance / Variation***e mishkutinakanit tshishe-kamakunuesht umashinaikan shash ka takuanit***

Change to an existing order.

Vary***e mishkutinakanit***

To change.

Waive***eka apatenitakuak***

To abandon a right or to refrain from insisting on a right or a formality.

Witness***katshissenitak eshpanit***

One who, in the course of judicial processes, provides evidence to assist a party or the court in a trial.

2

Child Protection

Mushuau Dialect

Agreements under section 63 of CYFS Act

tapuetashunanu tshetshi minu-kanuenimakanit auass

Child, Youth & Family Services representatives (such as the director or social workers) can enter into an agreement for services with a person who is taking care of a child (or providing care to a child).

Alternative Dispute Resolution (ADR)

kueshtetshe ishi-tutakanua eka pitakatakanit nete kaueveshinitunanit

Resolving conflict through means other than going to court. Examples of alternative dispute resolution processes include family group conferences, pre-trial settlement conferences and mediation. See s. 13 of CYFS Act.

Assessment

e nanatu-tshissenitakanit auass ka tat tan tshipa ishi-minu-kanuenimakanu

In child protection cases, an analysis by a qualified professional who investigates, assesses and reports on the needs of the child/ren and the ability of the parties to meet those needs.

Best Interests of the Child

nasht e minu-kanuenimakanit auass tshetshi minupanit

When making a decision about a child under the CYFS Act, the most important consideration is the “best interests of the child.” All relevant factors must be considered when deciding what is in the

child's best interest including those factors set out in s. 9 of the CYFS Act.

Bridging Provision

***eshi-natuenitakanit pitama auass ka kanuenimakanit eshk'^u
eka utitshipanit kaueveshinitunanit***

Where a child is in the custody of a director or another person under a temporary order and an application for another order is filed but not heard before the expiration of the temporary order, the child shall remain in the custody of the director or other person to whom custody was granted under the temporary order until the application is heard and decided. See s. 40 of CYFS Act.

Care

auass e minu-kanuenimakanit

The physical daily care and nurturing of a child. See s. 2 of CYFS Act.

Care in the Home

apissish e kanuenimakanit auass nete mitshuapit

When a director or social worker believes a child is without adequate supervision when premises are entered under the CYFS Act, the director or social worker can arrange for short term care in the home to be provided to the child until other adequate supervision is available. This period of "care in the home" cannot be longer than 72 hours. See s. 22 of CYFS Act.

Caregiver

kutak aven ka kanuenimat auassa, at mak uikanisha

A person with whom a child is placed for care with the approval of a director and who, by agreement with a director, has assumed responsibility for the care of a child but does not include a parent. See s. 2 of CYFS Act.

Caregiver Home

ka utinakanit avass tshetshi nakatuenimakanit kueshtetshe mitshuapish

A home which has been approved by Child, Youth & Family Services for the care of children in need of protection (sometimes referred to as Foster Home).

Child

avass eshk^u eka ashutashtatushap-tatupipuneshit (16)

A person actually or apparently under the age of 16 years of age. See s. 2 of CYFS Act.

Child Abuse

avass e piuenimakanit

Any action or series of actions that results in harm, potential for harm, or threat of harm to a child. Abuse can include physical harm, sexual molestation or exploitation, or emotional or psychological harm.

Child in Need of Protective Intervention

nasht ka ishinakuanit avass eshk^u eka ashutashtatushap-tatupipuneshit (16) tshetshi minu-nakatuenimakanit

The Child, Youth and Family Services Act is normally triggered when there is a child in need of protective intervention. There are a number of possible indicators that a child is in need of protective intervention which are set out in section 14 of the CYFS Act.

Child Protection Case

e pitakatakaniti avass umashinaikana nete kaueveshinitunanit

A case in which a party, generally a representative acting on behalf of Child, Youth and Family Services, files an application under the Child, Youth & Family Services Act.

Child, Youth and Family Services Act

tshishe-utshimau utapuetamuna nete auassat tshetshi minu-kanuenimakanit

This provincial law applies primarily to child protection proceedings such as those where the Director of Child, Youth and Family Services has taken a child into care and asks the Court to determine if the child should be returned to a parent or left in the custody of the Director either temporarily or permanently. It is the law that child protection social workers must operate under in Newfoundland & Labrador.

Consent

tapuetakanu

To give permission or agree to something.

Consent Order

uikanisha mak mitshim-utshimau tapuetatishuat tan tsheshi-tutuakanit auass

When a parent agrees to an order made under the CYFS Act. Before the judge accepts the consent order, the judge must be satisfied that the wishes of the child have been considered, and that the parent consenting has been informed that he/she may be represented by a lawyer and understands the nature and consequences of the consent. See s. 58 of CYFS Act.

Continuous Custody Order

tshishe-kamakunuesht mineu mitshim-utshimaua eshk' tshetshi nakatuenimakaniti auassa

A court order removing a child from the care of his or her parents or guardians permanently and entrusting the child to the Director of Child, Youth & Family Services. The director becomes the sole custodian of the child, and the director may consent to the adoption of the child, and also consent to medical treatment for the child. Such an order ends when the child reaches 16, the child marries, or the court rescinds the order. There are circumstances when an

application can be made to have such an order rescinded. See s. 44 of CYFS Act.

Custody

uikanisha tshe ishi-nakatuenimat utauassima

The rights and responsibilities of a parent in respect of a child. See s. 2 of CYFS Act.

Custody Review Committees

auenitshenat ka tshitapataht eshk^u eshi-nakatuenimakaniti auassa

Each regional health authority must establish a committee of people who annually review all the cases of children who are in continuous care. This committee reports to the authority's director on the care of the children in question. See s. 76 of CYFS Act.

Delegated Authority

e minakanit auen tshetshi uetashutak tshekuannu

When a social worker is not available, the director can delegate authority to another person to perform the duties of that person.

Director of Child, Youth & Family Services (Regional)

utshimau mitshim-utshimau

An official whose duty it is to ensure that the provisions of the Child, Youth and Family Services Act are carried out. Each regional health authority appoints its own director of CYFS Act. There is also a provincial director.

Domestic Violence

ka piuenimitut kavitshimitut

Any or all of the many different forms of abuse and mistreatment that people may experience in their intimate domestic relationships.

Duty to Report

uipat tshetshi mamishitsheminanut pauenimakaniti auass

When a person has information that a child is or may be in need of protection, the person must immediately report the matter to a CYFS director, social worker or peace officer. It is an offence not to do so. See s. 15 of CYFS Act.

Emergency Protection Order

tshishe-kamakunuesht umashinaikan tshetshi uipat nakatuenimakanit auenitshenat ka piuenimakanit

An EPO is a court order that can be granted quickly in cases of family violence. To get an EPO the applicant needs to have lived in a conjugal relationship or had a child with the person who is being violent. This includes married, common law, and same sex couples. It can allow police to remove the alleged abuser from the home, take away any firearms or weapons, give the applicant temporary custody of the home and the children, and any other conditions the court thinks necessary. The police can make an application for an EPO 24 hours a day. As well, an application for an EPO can be made by an individual, or a lawyer on his/her behalf.

Emotional Harm

eshi-akuaikanit auass etenimut

Harm to child on an emotional level. See s. 14 of CYFS Act.

Family Group Conference

mamu uikanisha kie mishue auenitshenat mamuituat tshetshi uavitakaniht auass tshe ishi-minupanit

A family group conference is an ADR method which brings together members of the parent's/child's family as well as others. The aim is to attempt to address and resolve issues which the parent may have. See s. 13 of CYFS Act.

Family Services Agreements

tapuetamuna ka tapuetashunanuti

A director or social worker may provide services to children, youth and families, and may enter into written agreements with respect to the services to be provided and the responsibilities of each party to an agreement. See s. 10(1) of CYFS Act.

Interim Care

ushkat e tshitshipanit e nakatuenimakanit auass

This is temporary care without an order. In cases where a child is removed, he/she is considered to be in the "interim care" of a director immediately after removal. The child remains in interim care until he/she is either returned to the parent from whom he/she was removed within 72 hours of removal, or a judge makes an order at a presentation hearing. During the time a child is in interim care the director or a social worker can allow the child to be examined by a health care professional and also consent to necessary routine health care for the child where the parent cannot be contacted if, in the opinion of a qualified health practitioner, the health care should be provided without delay. See s. 27 of CYFS Act.

Interview of the Child

ishinakuannu tshetshi aimikut mitshim-utshimaua auass

The CYFS Act states that people who have custody of a child or are entrusted with the care of a child must permit the child to be visited and interviewed by a director or social worker, and allow such an interview to be done in private at the place the child is located when the director or social worker deems it to be appropriate. See s. 17 of CYFS Act.

Joint Interview

mitshim-utshimau mak kamakueshiht mamu nanatu-tshissenitamuat

In cases involving allegations of sexual or physical abuse, a social worker and the police will do a joint interview of the child.

Less Intrusive Course of Action***ama utinakanu auass eshk' nakatuenimakanu***

An action which is less severe than removing a child, but still adequately protects the child.

Mediation***eka nasht tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit auass tshe ishi-minupanit***

Mediation is a process for working out disagreements with the help of a trained, impartial person (a mediator). Mediation allows disputes to be settled outside of court. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and work towards a mutually acceptable solution.

Mediation (Child Protection)***eka nasht tshishishinit anite nitu nenua ut uikanishimaua kie mishue nenua auennua ka mamuituniti tshetshi uavitakanit auass tshe ishi-minupanit***

A type of alternative dispute resolution in which a trained, impartial mediator helps the parties reach agreements outside of court. See s. 13 CYFS Act.

Neglect***auass eka ka minu-nakatuenimakanit***

In child protection cases, the failure by a parent or other caregiver to provide for a child's basic physical, emotional or developmental needs or to protect a child from harm or potential harm.

No Contact Orders***tshishe-kamakunuesht itashuev tshe eka nasht uapamat kie mak aimiat auen nenua auassa***

Where there are reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention, CYFS may apply to court for an order to

prohibit contact between the child and that person. See s. 21 of CYFS Act.

Notice of Removal of Child

uauitakanu uetinakanit auass

Where a child is removed (with or without warrant) from the care of a parent or other person, CYFS shall serve written notice of the removal on the parent and the child (where child is 12 or older) within 24 hours of the removal stating the reason why the child was removed. See s. 26 of CYFS Act.

Notification

uauitamatur

To inform or advise of upcoming action.

Order for Medical Treatment

tshishe-kamakunuesht itashueu tshetshi natukaiakanit auass

Where CYFS believes that a child is in need of protective intervention because his/her parents refuse to obtain or permit essential treatment that is recommended by a qualified health practitioner, CYFS can apply to a court to authorize the treatment. See s. 32 of CYFS Act.

Order Where Location of Child not Disclosed

tshishe-kamakunuesht itashueu eka tshetshi uitakanit tanite etat auass

In cases where CYFS is denied access to a child where it is believed that such access is necessary to determine whether the child is in need of protective intervention, CYFS can apply to a judge for a specific order. Such orders can require that the person must disclose the location of the child, allow CYFS to interview and see the child, allow CYFS to remove the child for an interview or medical exam and authorize a medical practitioner to examine the child. See s. 18 of CYFS Act.

Out of Province Order

tshishe-kamakunuesht umashinaikan ka tutakanit iatassit ute Kanata eshk^u minuanu

Where an order has been made in another province of Canada under provisions similar to those in the CYFS Act, the order has the same effect in this province as if it were an order made under the CYFS Act, unless it is ordered otherwise. See s. 61 of CYFS Act.

Parent of a Child

ka kanuenimikut auass

"Parent of a child" means (i) the custodial parent of a child (including mother, father or step-parent); (ii) a non-custodial parent who regularly exercises or attempts to exercise rights of access; (iii) a person to whom custody of a child has been granted by a written agreement or by a judge; or (iv) a person with whom a child resides, except a caregiver. See s. 2 of CYFS Act.

Participation by Child

minakanu auass tshetshi uavitak tshekuannu nete kaueveshinitunanit

Where a child who is the subject of a hearing under the CYFS Act requests that his/her views be known at the hearing, the judge has a number of options. These include meeting with the child with or without the other parties and their lawyers; permitting the child to testify at the hearing; considering written material submitted by the child; or allowing the child to express his/her views in some other way. See s. 53 of CYFS Act.

Placement Considerations

minu-tshitapatakanu tanite tsh nakatuenimakanit auass

Factors which must be considered when deciding where a removed child should be placed. For example, the placement should be least disruptive to a child, it is important to keep siblings together, contact with family or other significant people are important. Consideration should first be given to placing the child with a relative or a person

with whom the child has a significant relationship. See s. 62 of CYFS Act.

Plan of Care

uavitakanu avass tshe ishi-uavitshiakanit

In child protection cases, a written plan developed by a social worker, a parent or other person who wishes to be involved in the child's life that sets out such things as arrangements for where the children will live, access rights for parents or caregivers, education, activities, support services or counselling for the child and family.

Presentation Hearing

tshishe-kamakunuesht nanatu-tshissenitam^u tshetshi tapue ishinakuash ne avass tshetshi nakatuenimakanit

An interim hearing at which a judge may give an interim or final order. Where CYFS applies for a protective intervention hearing, CYFS shall be given a date for a presentation hearing, which shall be held not later than 10 days after the date on which the application is filed. The purpose of a presentation hearing is for the judge to decide if there is reason to believe that the child is in need of protection. Evidence can be presented from both sides. The presentation hearing is usually informal and does not normally take longer than a day. At this point the judge can decide to dismiss the application and send the child home. If the case for protective intervention is very strong then the judge might make a decision as to how the child will be protected. Most often a judge will leave the final decision for a second hearing and will then have to decide who will care for the child in the interim.

Pre-trial Settlement Conference

tshishe-kamakunuesht uapamakanu tshetshi tshishtakanit eka pitakatakanit nete kaueveshinitunanit nenua avassa ka ut ui ueveshiakaniti

A short meeting with a judge who is not going to be hearing the trial. At this meeting, the parties briefly explain to the judge their own positions on each issue. The judge then gives a brief opinion based on

how he or she thinks the case could be resolved. This meeting is used to help settle cases.

Protective Intervention Hearing

eukuannu nishuau tshishe-kamakunuesht tshe uitak tshe ishi-nakatuenimakanit auass

Within the next day of a child having been removed, CYFS must file an application for an order of a judge that the child is in need of protective intervention and for a protective intervention hearing which must be held no later than 30 days after the child's removal. At the time of the hearing the judge will decide if CYFS needs to protect the child. If the judge decides that they do, then the judge must decide how the child will be protected. The child may be returned to the parent(s) but with the condition that a social worker will monitor the family for up to six months. The child may be placed in the custody of another family member or someone important to the child. CYFS may be given temporary or continuous custody of the child.

Removal

tshishe-kamakunuesht ka itishuet tshetshi utinakaniti auassa

In child protection cases, to remove a child from his or her parents or the person having care of the child and take him or her to a place of safety. A warrant is normally required in order to remove a child, except in exceptional circumstances (for instance, if the child is in immediate danger).

Removal of Youth in Exceptional Circumstances

utinakanu ussinitshishiu-auass nasht patush eshinakuaniti tshetshi utinakanit

Where a director or social worker believes on reasonable grounds that: (a) a youth is in need of protective intervention; (b) a less intrusive course of action is not available or will not adequately protect the youth; and (c) the director or social worker considers the circumstances to be of an exceptional nature, the director or social worker may remove the youth. See s. 24 of CYFS Act.

Rescind Continuous Order

nete ut kaueveshinitunanit tapuetuakanu tshetshi tshiuetishinakanit auass

To cancel or revoke a continuous order. If the court gives permission, under certain circumstances, a person can apply to the court to rescind a continuous custody order. See s. 44 of CYFS Act.

Return of Child at Any Time

shash tshiuetishinakanu auass ka ut utinakanit

A child may be returned to the parent from whom the child was removed at any time where (i) circumstances have changed so that the child in the opinion of CYFS no longer needs protective intervention; or (ii) the parent enters into an agreement that is considered by CYFS to be adequate to protect the child. See s. 46 of CYFS Act.

Risk Assessment

nanatu-tshissenitakanu tan eshi-manenimakanit auass

Standardized system to identify, assess, respond, and document the risk of maltreatment of a child/ren.

Risk of Emotional Harm

put tshipa tshi akuaiku auass etenimut

There is a possibility that a child will be harmed on an emotional level.

Safety Assessment

tshinishtapa nanatu-tshissenitakanu auass tshetshi eka uesh ishpanit

Initial assessment of a child's immediate safety.

Safety Plan

mashinaikan tutakanu uikanishimauat e tapuetakau tshetshi eka uesh ishpanit auass

A written document which states what the parents will do to ensure the safety of a child.

Supervised Access

e nakatuapamakanit auass e mupishtuakanit

Access visits with the child that take place in the presence of a third party, to ensure safety. The person is not usually named but normally is an employee of CYFS. It is not necessarily court ordered. Supervised access is generally ordered in situations where the Court believes it is necessary for the welfare or best interests of the children.

Supervision Order

tshishe-kamakunuesht itashumeu mitshim-utshimaua tshetshi natshi-shatshuapamakanit auassa nete uitshinit

An order under the authority of the Child, Youth & Family Services Act where a child in need of protection is allowed to remain in his/her own home but may be visited, and the parents supervised, by a social worker acting with the authority of the Director of Child, Youth & Family Services.

Telewarrant

tshishe-kamakunuesht umashinaikan kamituetsht e apashtakanit kie mak e petishamuakanit mitshim-utshimau tshetshi unuitashinakanit auass

When, in the opinion of a director or social worker, it is not practical to appear in person before a judge to apply for a warrant, the director or social worker can make the application by telephone or some other means on telecommunication. The Act sets out rules about how the telewarrant should be sought. See s. 25 of CYFS Act.

Temporary Custody Order

tshishe-kamakunuesht mineu mitshim-utshimaua apishish tshetshi nakatuenimeniti auassa

An order under the authority of the Child, Youth & Family Services Act whereby a child is removed from his/her usual home on a temporary basis, in the hope that the situation will be improved so that the child can be returned to his/her own home. The child will either: (i) be placed in the care of someone (with that person's consent) other than the child's parent from whom the child was removed - under the supervision of CYFS; or (ii) be placed in the temporary care of CYFS. There are time limits for such orders (see s. 36 of CYFS Act). When a director has been granted temporary custody, CYFS has the right to make decisions about the child for the duration of the order. However, the child cannot be adopted during that time (unless the parent from whom the child was removed gives consent), and CYFS must obtain the parent's consent for medical treatment of the child unless CYFS is granted a special order under s. 32 of CYFS Act.

Variance / Variation

e mishkutinakanit tshishe-kamakunuesht umashinaikan shash ka takuanit

Change to an existing order. S. 60 of CYFS Act states: Where an order has been made under this Act, a judge may, upon application accompanied by evidence to the satisfaction of the judge that the circumstances relating to the child have changed since the original order was given, vary the order.

Victim Services

ka uavitshiakanit auen eka ka minu-tutuakanit

The NL Department of Justice offers this program which assists victims through the criminal justice process. A variety of services are offered to victims such as: general information about the criminal justice system, specific case updates, help with writing a victim impact statement, court orientation, counselling, and referrals.

Voluntary Care Agreement

uikanishimauat (ukauia kie mak utauia) tapuetamuat nete tshe nakatuenimakaniht utauassimuaua

Parents agree to voluntarily place their children with someone (usually relatives) for a period of time. The agreement can be terminated by either the Department or the parent whenever they wish.

Warrant

tshishe-kamakunuesht umashinaikan takuannu tshetshi unuitashinakanit auass

A court order which authorizes a director or social worker to enter a premises or vehicle or board a vessel or aircraft, by force if necessary, to remove a child. Note: A warrant is normally required before a child can be removed except in exceptional circumstances (such as if a child is in immediate risk of harm if they wait to obtain a warrant). There are other exceptions as well. See s. 23 (6) of CYFS Act.

Youth

auass eshk^u eka ashutashtatushap-tatupipuneshit (16) nete eshpish nianeutashtatushap-tatupipuneshit (18)

A person who is 16 years of age or over but under 18. See s. 2 of CYFS Act.

Youth Care Agreement

utshimau mitshim-utshimau utapuetashun ushtinitshishu-auassa tshetshi nakatuenimakaniti

A director or social worker may make a written agreement for services with a youth who: (a) cannot in the opinion of the director or social worker remain with or be re-established in the youth's family, temporarily or permanently; or (b) has no parent or other person willing or able to provide care to the youth. Note: The initial term of an agreement shall not exceed 6 months but the agreement may be renewed for additional terms of up to 6 months each. An agreement under this section may be made, even if the youth is not or has not been in the care or custody of a director, but shall not continue

beyond the youth's eighteenth birthday unless the young person has been in the care or custody of the director before his or her sixteenth birthday, in which case the agreement may be extended until his or her twenty-first birthday or school leaving, whichever event occurs first. See s. 11 of CYFS Act.

3

Custody and Access

Mushuau Dialect

Access

uikanishimauat tshetshi uapamat auassa

In family law cases, access refers to the right of a parent (or another important person to a child, like a grandparent) who does not have custody of a child to spend time with the child/ren on a regular basis. Access usually includes the right to request and receive information on the child/ren's health, education and well-being. Note: Types of access include reasonable access, specified access, and supervised access.

Access - Reasonable Access

utapuetatunuau uikanishimauat tanita tshe uapamat auassa

A type of access which allows the non-custodial parent (or another important person such as a grandparent) to visit with the child/ren at agreed upon times. Reasonable access gives parents the flexibility to make their own arrangements. Reasonable access works where the parents can agree upon what is reasonable.

Access - Specified Access

minuitakanu tipaikan tshe ishpish uapamakanit auass

A type of access which sets out certain times for the non-custodial parent (or another important person, like a grandparent) to be able to spend time with the child/ren.

Access - Supervised Access

nakatuapamakanu auass e mupishtakut uikanisha

A type of access which allows the non-custodial parent (or another important person, like a grandparent) to spend time with the child/ren but only with another adult present. Usually, the supervising adult will be named in the order or agreement. Supervised access is generally ordered in situations where the Court believes it is necessary for the welfare or best interests of the child/ren.

Access Schedule

tshishe-kamakunuesht minueu tanita tshie mupishtuakanit auass

If parents can agree on a time and place for access, they can make the decisions surrounding this issue. However, if a decision can not be agreed upon, the Court will likely impose an "access schedule". It is a schedule which outlines when the child/ren will spend time with the parent (or other person who has access).

Assessment (Family Law)

e nanatu-tshissenitakanit uikanishimauat tanite tshipa ishi-minu-kanuenimakanu auass

In family law cases, an analysis by a qualified professional who investigates, assesses and reports on the needs of the child/ren and the ability of the parties to meet those needs. There are different types of assessments. They are sometimes done in child protection cases, and also in regular family law cases when custody and access may be at issue.

Best Interests of the Child

tshishe-kamakunuesht uin tshika vetashutam^u tan tshipa ishi-minupaniku auass

The test that a Court uses to make decisions about custody and access. The children's needs and well-being are always the most important considerations. The Judge will consider many factors when deciding what is in the child's best interest. The Judge must

decide what is best for the child, not what is best for either of the parents.

Birth Certificate

tshishe-utshimau kanu ka ishpish inniut auen

A certificate issued by a government agency which proves that the person named on the certificate was born at a certain place, at a certain time and of certain parents. Possession of a birth certificate is a necessary first step to obtaining other documents such as passports.

Child Abduction

e utinakanit auass eka tapuetakanit

The removal of a child contrary to a court order or without the permission of the parent who has legal custody of the child.

Court Ordered Access

tshishe-kamakunuesht itashueu tan tshipa ishpish uapamakanua kie mupishtuakanua ne auass

A court order that says that a certain person, usually the parent of a child who does not live with the child, may visit with the child, according to certain conditions.

Court Ordered Custody

tshishe-kamakunuesht itashueu tshet auen tshitshue tshet kanuenimat auassa

A court order that says who is to be the person who has principal responsibility for a child. See Custody.

Custodial Parent

ne uikanishimau tshitshue uieuetashumat auassa

The parent who has legal custody of their child/ren.

Custody (Parenting)

auen tshitshue tshe nakatuenimat nenu auassa

This describes the parenting arrangement made for the care of the children after parents separate. Custody refers to decision making and responsibility for the children. There are different types of custody arrangements.

Custody by Agreement

uikanishimauat tapuetahuat auen tshitshue tshe kanuenimat nenu auassa

Custody arrangements for child/ren are agreed upon by the parents. See Custody.

Custody, Joint

tapishkut uikanishimauat tshika ishi-uetashumeuat nenua auassa

A parenting arrangement where parents make major decisions about the children together. The day-to-day decisions for the children are made by the parents whom the children are with. The children may reside with one parent the majority of the time or they may spend equal amounts of time with both parents.

Custody Order

tshishe-kamakunuesht umashinaikan auen tshe nakatuenimat auassa

A court order which says who is to have custody of a child.

Custody, Sole (Parenting)

peik^u uikanishimau uin nasht uevetashumeu auassa

In a sole custody arrangement the children live primarily with one parent who has decision making responsibility. The other parent usually has the right to have the children spend time with him or her and request and receive information about the children.

Declaration of Fatherhood

***tshishe-kamakunuesht tshissenitam^u kie uitam^u auenua
uetavit ne auass***

A decision of a judge as to who is the father of a child where this has been called into question. Sometimes referred to as declaration of paternity.

Joint Custody

***tapishkut uikanishimauat tshika ishi-uetashumeuat nenua
auassa***

A parenting arrangement where parents make major decisions about the children together. The day-to-day decisions for the children are made by the parents whom the children are with. The children may reside with one parent the majority of the time or they may spend equal amounts of time with both parents.

Parenting Plan

***uikanishimauat tshika uavitamuat kie tshika tapuetatuat tan
tshe tutuat utavassimuava nekatutavi***

A plan developed by parents which sets out their arrangements for the care of their children after separation. The plan can be informal or can be contained in a separation agreement or court order.

Paternity

tshek auen ka utaumaut

In law, the question of who is the father of a child.

Sole Custody (Parenting Context)

peik^u uikanishimau uin nasht uevetashumeu auassa

In a sole custody arrangement the children live primarily with one parent who has decision making responsibility. The other parent usually has the right to have the children spend time with him or her and request and receive information about the children.

4

Support

Mushuau Dialect

Age of Majority

ka peiku-tipenitmitishut (peikunnu ashu peikushteu etatupipuneshit (19))

The age of majority is 19 years in Newfoundland and Labrador. The age of majority is the age when a person is legally considered an adult for certain purposes. For example, generally when a person is 19, he/she is able to independently enter into contracts. As well, he/she is considered an adult for the purpose of child support which is generally paid until a person reaches 19 (although it is continued in special cases, such as when the person is pursuing post-secondary education). Please note that, under the criminal law, a person can be charged as an adult when they are 18.

Child Support

pakassiu-shunianu mineu auassa

The amount a parent pays, usually to the other parent, for the financial support of a child under a court order or agreement.

Child Support Guidelines

tan tshe ishpish minat pakassiu-shunianu auassa neme etashtet tshishe-utshimau umashinaikan ka nashatakanit

The Child Support Guidelines are the rules and tables used to determine how much child support should be paid. The Child Support Guidelines are the law of Canada and Newfoundland & Labrador.

Custody (Child Support Guidelines)***tan eshpish tat avass nete papeik^u uikanisha uitshinit***

In the Child Support context, custody refers to the percentage of time a child spends in each parent's home. It has no meaning regarding parenting or decision making.

Custody, Shared***avass uitshimeu nete papeik^u uikanisha uitshinit tshekat tetaut ishpish tau***

According to the Child Support Guidelines, shared custody is when the children live at least 40% of the time with each parent. Note: the only place where this term is found in legislation is in the Child Support Guidelines. It is defined in the context of the amount of time a child lives with each parent.

Custody, Sole (Child Support Context)***avass uitshimeu nenua uikanisha ka tshikuakaniti nenu pakassiu-shunianu***

The child lives mainly with the person receiving child support.

Custody, Split***ka tipan ka ianakanit avassat***

According to the Child Support Guidelines split custody is where the parents have more than one child and each parent has sole custody (as defined by the Child Support Guidelines) of one child. In other words, one or more children live mainly with one parent and one or more children live mainly with the other parent.

Dependant***ne auen tshika pakassikanipan***

A person who relies on another for support. A person whom another has an obligation to support.

Extraordinary Expenses (Child Support Guidelines)

etatu minakanu shunianu nenu eshpish minakanit pakassiu-shunianu tshetshi tshishkutamashuatshet auass

Expenses for primary or secondary school education or for any other educational programs that meet the child's particular needs; or expenses for extracurricular activities which meet the following criteria: (1) they are expenses that are higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, in light of that parent's income (including the child support amount), or (2) they are expenses that are not higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, but that are extraordinary taking into account: - the income (including child support) of that parent, - the nature and number of the programs and extracurricular activities, - any special needs and talents of the child, - the overall cost of the programs and activities, and - any other similar factor that is relevant.

Financial Statement

mashinaikan etashtet eshpish takuak ushuniam auen

Document that sets out a person's income, expenses, property, debts and liabilities.

Garnishee

ka pakuenikanit ushuniam ishpish e uiashut

A third party who owes money to a debtor, but must instead pay it to the court or a government agency, to the benefit of a creditor.

Garnishment

kaueveshinitunanut ka itashuanut tshetshi pakuenikanit ushuniam e uiashut

A process whereby a person who has a court order for payment can demand money owed to a debtor by someone else. Most often, people garnish wages or bank accounts.

Imputed Income

tshishe-kamakunuesht anuetam^u nenu eshpish tutak shunianu muk^u uitamueu tan eshpish itenitak tshishe-kamakunuesht tshipa ishpish shuniatshenua

In family law, when a judge finds that the amount of income a parent discloses is not accurate, the judge may attribute additional income to that person for purposes of calculating child support. A judge can also impute income when no income information is provided.

Income Support

mitshim-utshimau eshpish uitshivet shunianu

Financial benefits paid by the Provincial government to adults in the province to meet their daily living expenses.

Interjurisdictional Support Orders Act

takuanua tshishe-kamakunuesht umashinaikannu aiapatshitat nete iatassit auen etati tshetshi minakanit pakassiu-shunianu

The *Interjurisdictional Support Orders Act* and the Regulations made under it apply where either the person who is seeking a support order or the person who is being asked to pay support lives outside the Province of Newfoundland and Labrador. It can be used to obtain a new order for child, spousal or partner support or to vary an existing order. It cannot be used to apply for or to vary an order with respect to custody of or access to a child.

Maintenance

pakassiu-shuniau

Money paid by a person toward the living expenses of a spouse, child, or dependant parent. Usually called "support". (See also child support and spousal support.)

Payee

ka tshishikuakanit

The person who is owed money under a court order or agreement. Also called a recipient.

Payor

ka tshishikatshet

A person who is required to pay money to another person under a court order or agreement.

Recipient

ishinakuan tshetshi tshishikuakanit

In family law cases, a person who is entitled to receive support under an order or agreement. Also called a payee.

Reciprocating Jurisdiction

nete iatassit iapit minuau tshetshi apatshitakanit pakassiu-shuniau tapuetamun mashinaikan

In family law cases, another province, territory or country that has entered into an agreement with NL for the enforcement of support orders and the making or changing of support orders. Reciprocating jurisdictions are listed in a regulation under the *Interjurisdictional Support Orders Act*.

Shared Custody

auass uitshimeu nete papeik^u uikanisha uitshinit tshekat tetaut ishpish tau

According to the Child Support Guidelines, shared custody is when the children live at least 40% of the time with each parent. Note: the only place where this term is found in legislation is in the Child Support Guidelines. It is defined in the context of the amount of time a child lives with each parent.

Sole Custody (Child Support Context)

auass uitshimeu nenua uikanisha ka tshikuakaniti nenu pakassiu-shunianu

The child lives mainly with the person receiving child support.

Special Expenses

etatu minakanu shunianu nenu eshpish ka tshi minakanit pakassiu-shunianu

Special expenses are expenses that the amounts in the child support tables may not cover. The guidelines define special expenses as expenses that are: necessary because they are in a child's best interests, and reasonable in relation to the means of the parents and of the child and consistent with the family's spending patterns prior to the separation. Special expenses include:

- child-care expenses that a parent with whom the child lives incurs as a result of the parent's job, illness, disability or educational requirements for employment,
- the portion of a parent's medical and dental insurance premiums that provides coverage for the child,
- the child's health-care needs over and above that covered by insurance (for example, orthodontics, counselling, medication, eye care and other items) that exceed \$100 per year,
- the child's extraordinary expenses for extracurricular activities,
- the child's extraordinary expenses for primary and secondary education or other educational programs, and,
- the child's expenses for post-secondary education.

Split Custody

ka tipan ka ianakanit avassat

According to the Child Support Guidelines, split custody is when the parents have more than one child and each parent has sole custody (as defined by the Child Support Guidelines) of one child. In other words, one or more children live mainly with one parent and one or more children live mainly with the other parent.

Spousal Support

pakassiu-shunianu mineu uitshimakana

Money paid by one spouse to another to contribute to the other spouse's living expenses.

Spouse

uitshimakana

A person who lives with another person in a conjugal relationship, either inside or outside marriage. The length of time required to qualify as a spouse in situations outside of marriage is different under different statutes.

Statement of Financial Information

mashinaikan etashtet eshpish takuak ushuniam auen

See Financial Statement.

Support

pakassiu-shuniau

Monetary assistance that a person provides for his or her dependant(s), for example, child support or spousal support.

Support Enforcement Program

ka uauitshiuashiht tshetshi kashtinakanit pakassiu-shunianu

The Support Enforcement Program (SEP) is a service provided by the Support Enforcement Division of the provincial Department of Justice. It is a program designed to make the exchange of spousal and/or child support payments run as smoothly as possible.

Support, Spousal

pakassiu-shunianu mineu uitshimakana

Money paid by one spouse to another to contribute to the other's living expenses.

Undue Hardship

ama ishpanu pakassiu-shunianu tshetshi tshishikashut

In child support cases, a judge may order an amount different than the Child Support Guideline amount when the judge is convinced that ordering that amount would cause excessive financial difficulty to one of the parties involved. In order to convince the court that there is undue hardship, the person claiming it must be able to show

that he/she has a good reason to claim undue hardship (the court will only accept a limited number of reasons) and the person must show that his or her household is at a lower standard of living than the other parent's.

Unjust Enrichment

etatu uin nutim tshekuannu ui tipenitimashu peik' auen

A benefit obtained by one person at the expense of another, without a legal justification for it.