

## **DEFINITIONS OF WORDS THAT MAY BE USED IN THIS PACKET**

**Alleged Incapacitated Person:** The individual over whom the plaintiff is seeking a guardian.

**Affidavit:** An affidavit is a written statement of facts confirmed by an oath taken before a notary public or other official authorized to administer oaths.

**Certification:** A certification is a written statement of facts confirmed by a certification that under penalty of law all information contained is true to the best of your knowledge and belief.

**County of Settlement:** The county of settlement is the county responsible for a share of the charge incurred for services provided to persons unable to pay. Typically, this is the alleged incapacitated person's county of residence at the time of application for eligible DDD services. However, it is possible for the county of residence and the county of settlement may be different. It depends on the residential history of the alleged incapacitated person.

**File:** To file means to give the appropriate forms and fee to the court to begin the court's consideration of your request. **Judgment:** A judgment is the official decision of a court in a case.

**Order:** An order is a signed paper from the judge telling someone they must do something.

**Interested Party:** An interested party is a person or government agency that has an involvement with the incapacitated person that is the subject of the court action. It includes the alleged incapacitated person's next-of-kin who are his closest relatives, the county of settlement (the county adjuster) and the administrator of the Division of Developmental Disabilities program providing services to the alleged incapacitated person.

**Plaintiff:** The plaintiff is the party who starts the lawsuit.

**Proof of Service:** A proof of service is a sworn statement that tells the court who was given notice of the complaint and supporting pleadings in your case. It also tells the court how those persons received these documents.

**Return Date:** Return date is the date the plaintiff and defendant are told to appear in court.

**Service:** Copies of your papers are personally delivered to the alleged incapacitated person and mailed to the parties in interest and the attorney appointed to represent the alleged incapacitated person.

**Verified Complaint:** A verified complaint is a document in which you briefly tell the court the facts in your case and the relief you want the court to grant. This is filed by the plaintiff.