

## DEFINITIONS

**Statute of limitations** - a specified length of time after which no cause of action or right to sue exists. Note: Check the time limit in your Tribal Code and/or State where you practice to insure you file in a timely fashion.

**Guardian ad litem** - a guardian, a lawyer, appointed by the court to appear in a lawsuit on behalf of an incompetent or minor party.

**Minor** - a person who has not reached full legal age of 18 years old; a child or juvenile.

**Incompetent** - a person is insane, an imbecile, or feeble-minded, or is not mentally able to manage his or her own affairs.

**Summons** - a notice in writing to a defendant informing her or him that an action has been brought against her or him and judgment will be taken against them if he or she fails to answer the complaint within the prescribed time set forth therein.

**Pleadings** - written allegations of what is affirmed on one side or denied on the other, disclosing to the Court and the contending parties the real matter in dispute between the parties.

**Judgment** - the official and final decision of the Court upon the respective rights and claims of the parties to an action or suit therein litigated and submitted to its determination. It shall mean the same as the Court's decree.

**Contract** - a contract is an agreement, either written or verbal, to do or not to do a particular thing, made between two (2) or more parties legally capable of contracting.

**Party** - the persons who take part in the performance of any act, or who are directly interested in any affair, contract, or conveyance, or who are actively concerned in the prosecution and defense of any legal proceeding.

**Person** - includes natural person, partnerships, associations, and corporations.

**Police Officer/ Law Enforcement Officers** - shall include all Saw Creek and Pine Ridge Indian Communities Tribal Police Officers, Federal Bureau of Investigation Officers and duly appointed deputy police officers.

**Gender** - words used in the masculine or the feminine gender.

**Full, Faith and Credit** - Full faith and credit will be given to public acts, records and judicial proceedings of all other reserved lands and all Federal and State jurisdictions that have enacted a full, faith and credit provision in their constitution or statutes.

**Marriage** - a marriage between adult persons 18 years or older, licensed, solemnized, and registered.

**Dissolution of Marriage** - a divorce whereby the marriage itself is dissolved.

**Legal Separation of Marriage** - to separate the marriage temporarily and still considered legally married.

**Intestate** - one who dies without disposing of real and/or personal property by will, passes to the heirs of the intestate subject to the control of the Court for the purpose of administration.

**Mutual will** - one of two separate wills in which two persons, usually a husband and wife, establish identical or similar testamentary provisions disposing of their estates in favor of each other.

**Holographic will** - a holographic will is one that is entirely written, dated and signed by the hand of the testator.

**Probate** - the judicial procedure by which a testamentary document is established to be a valid will; the proving of a will to the satisfaction of the court. Note: Most courts encourage an informal probate with an independent personal representative.

**Motion** - a written or oral application, requesting a Court to make a specified ruling or order.

**Discovery** - the act or process of finding or learning something that was previously unknown.

**Deposition** - a witnesses out of court testimony that is reduced to writing for later use in court or for discovery purposes.

**Interrogatories** - a written question submitted to and opposing party in a law suet as part of discovery.

**Jury** - is a panel of qualified persons that will enter a verdict after due deliberation, and must be respected as you would respect a Justice of the Court.

**Counterclaim** - a claim for relief asserted against an opposing party after an original claim has been made.

**Civil** - of or relating to private rights and remedies that are sought by action or suit, as distinct from criminal proceedings.

**Sovereign Immunity** - A government's immunity from being sued in its own court without its consent.

**In forma pauperis** - in the manner of an indigent who is permitted to disregard filing fees and court costs