

## Proposed by the Rules Committee

### ***RULE 1-101: Definitions***

Court: any person or institution ~~court~~ with the constitutional and statutory authority to adjudicate legal disputes and having jurisdiction over delinquent, neglected, or dependent children.

***History: Adopted December 2, 2009, effective March 1, 2010***

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#### **Justification:**

The Technology Committee requested the definition of court be amended to include authorities who are eligible to sign forms as required by ICJ Rules. The Rules Committee further clarified the definition by removing the word “court” from its own definition.

#### ***Note from Legal Counsel:***

In reviewing and comparing the statutory definition and the ICJ Rules definition, I do not believe that the two definitions conflict and the additional language in the Rules definition is for the purpose of interpreting the rules in the context of both the statute and the ICJ Rules.

Moreover, departure from the strict application of the statutory definition is permissible if the context requires it. See *Colautti v. Franklin*, 439 U.S. 379, 392 (1979). If the context indicates otherwise, i.e., if a mechanical application of a statutory definition throughout a statute would create an “obvious incongruity” or frustrate an evident statutory purpose for a particular provision, then it is permissible to depart from the definition. *Lawson v. Suwannee S.S. Co.*, 336 U.S. 198, 201 (1949); *Rowland v. California Men’s Colony*, 506 U.S. 194 (1993) (context indicates otherwise; the term “person” as used in 28 U.S.C. §1915(a) refers only to individuals and does not carry its Dictionary Act definition, which includes associations and artificial entities).

#### **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

No impact

#### **UNITY Impact:**

No impact

#### **Forms Impact:**

No impact

#### **Fiscal Impact:**

No impact

#### **Effective Date:**

March 1, 2022

**Rules Committee Action:** *Click on meeting date to view approved minutes.*

[12/01/20](#) – Rules Committee prepared draft language for review by Legal Counsel. No vote taken.

[01/05/21](#) – Rules Committee voted 8-0-0 to recommend for adoption.

[03/02/21](#) – Rules Committee voted 7-0-0 to recommend for adoption with updated justification.