

Note: Terms not applicable in every state.

Hello Divorce

Glossary of Terms

Allocation of parental responsibilities:

Commonly known as “custody.” In divorce, legal separation, or custody actions regarding children, the court will allocate parental rights and responsibilities for the care of the children.

Alternative Dispute Resolution (ADR): Methods for resolving problems without going to court.

Appeal: Applying to a higher court for a reversal of the decision of a lower court.

Appearance: When you physically appear or show up in court.

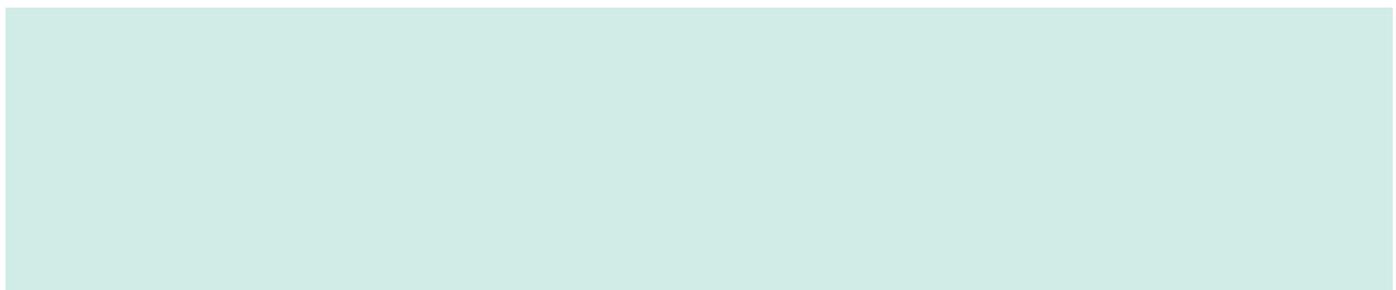
Arrears: A debt that is not paid on the due date adds up and accumulates as “arrears.”

Authenticated copy (aka “certified copy”): Means certified when used in reference to copies of official documents. Sometimes necessary for custodial parents and/or to change your name legally or divide retirement accounts.

Calculations child support: A calculation used by some states, calculating the amount of money one party must pay to the other for support of the child or children; the parties’ gross incomes and deductions are utilized to determine the amount of support.

Case management order: An order by the court that outlines the steps the parties must follow for their case to continue.

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Certificate of service: An area on a court form, usually at the end of the form, where you tell the court how and when you provided a copy of the court form to the other person in the case, before or directly after you gave the form to the court.

Certified Divorce Financial Analyst (CDFA): A financial expert who is trained to calculate taxes, asset distribution, support payments, and short- and long-term outcomes for fair divorce settlements.

Child and family investigator (CFI): A court-appointed expert that investigates and writes a report to the Judge as to the children's best interests in a controversial divorce or custody case.

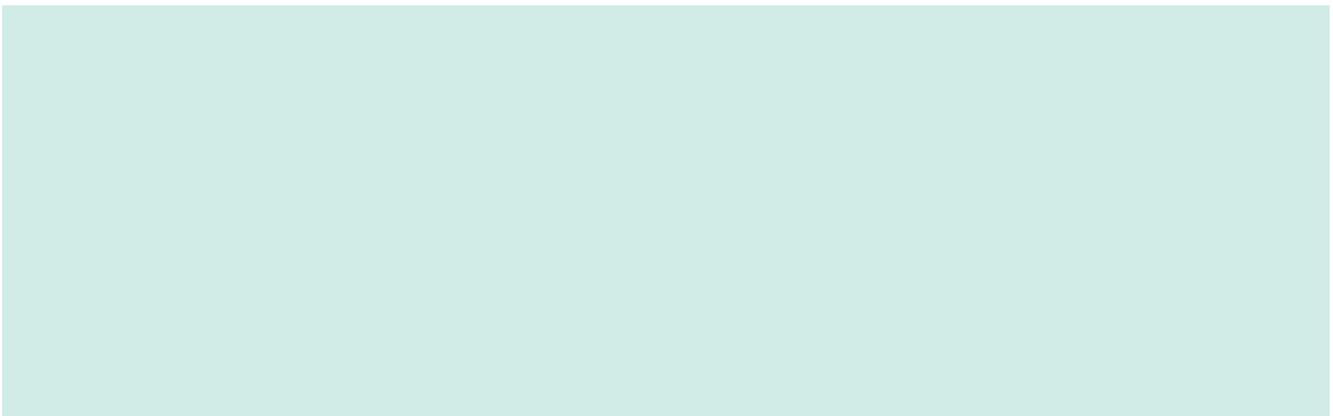
Child custody (physical and/or legal): The assignment of rights and responsibilities to parents for the care and maintenance of their children. Legal custody refers to being responsible for the child's health, education, and overall well-being. Physical custody refers entirely to whom the child resides with. In family law cases, it is also known as allocation of parental responsibilities and refers to decision-making and parenting time.

Co-petitioner: A person who jointly completes, signs, and files a written petition, or a written application to the court with the petitioner, asking for specific action to be taken.

Decree: The final order of the court that disposes of or ends the marriage or legal separation proceedings.

Dependency and neglect: A type of court case involving children where the children either aren't being cared for properly or crimes are being committed against the children by the parents or person caring for the children.

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Discovery: The formal process during which each side (usually each spouse's lawyer) obtains information and evidence from the other side (pre-trial).

Dismiss without prejudice: When the court dismisses a case or issue within a case, but not permanently; any party may bring the dismissed case or issues back to court.

Disqualification: When a judge or commissioner is deemed to be unfit to hear a matter and is removed from the matter.

Dissolution: Often used in divorce cases. Ending a marriage or civil union.

Docket: A record of each case and each action and hearing conducted within the case.

Domestic relations law: A set of sections of some state codes concerning family law.

Earnings assignment: A way for employees to dedicate a part of their paychecks toward child support or debt.

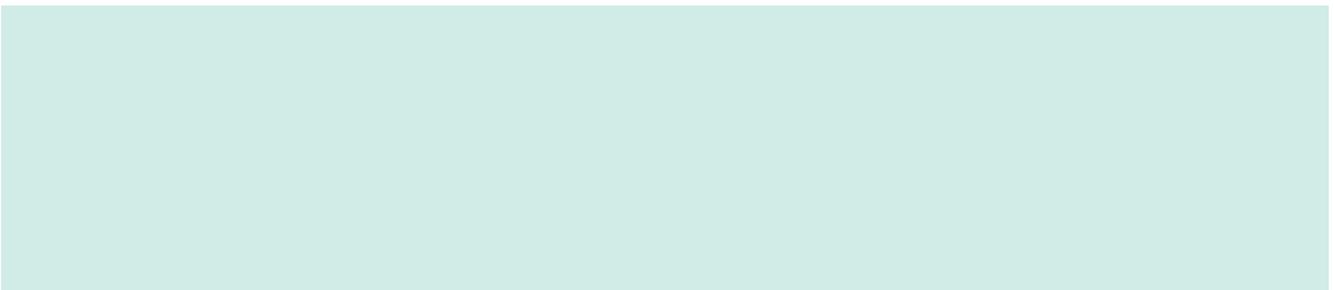
Earnings withholding order: An order made by the court that instructs an employer to withhold a portion of an employee's pay as a way to satisfy payments they owe; those withheld payments are then sent to the payee to whom they are due.

E-file: The courts' e-filing system allows authorized users to file and serve documents electronically in select state courts.

Endorse: A process of signing your legal name on a document to authorize it.

Endorsed filed copies: Official stamped copies of files entered into a court case, indicating the exact date that they were presented to the court clerk.

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Equalization payment: A property equalization payment serves to equalize the final division of property between spouses in a divorce. It can be paid in cash or can take the form of an item of property given to one spouse by the other.

Evidence: Proof that is offered in a trial as records, documents, or through witnesses.

Exhibits: A document, set of facts, or things offered as proof of an allegation that has been officially identified and confirmed as evidence by the court.

Expert witness: A witness with specialized knowledge of a subject who is allowed to discuss an event in court even though he or she was not present.

Family law: A compilation of statutes that encompasses any dispute or law surrounding family; it is usually affiliated with marriage, divorce, child custody, adoption, etc.

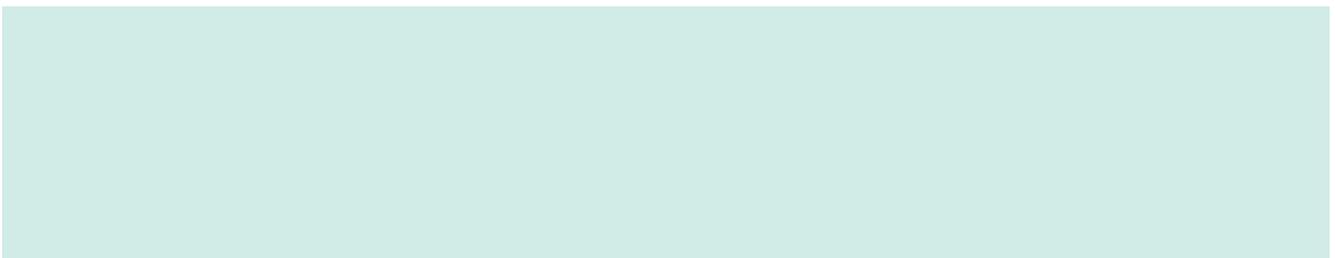
Family law attorney's real property lien (FLARPL): A lien, recorded by a family law attorney, encumbering a portion of a party's interest in community real property for the amount owed by that party to their attorney.

Family law facilitator (CA): An experienced lawyer in the field of family law who works for the Superior Court of California and provides assistance to those who do not have a lawyer and need assistance with their court paperwork, for free.

Family law facilitator (CO): An individual who assists with domestic relations cases and conducts initial status conferences. The family court facilitator can help you understand what you need to do during your case, answer questions, and give you instructions about the next steps in your case. The family court facilitator cannot give legal advice.

Family law software: A program used to calculate exact support and bonus amounts payable by one party to the other.

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Family support registry (aka state disbursement unit): The central payment processing center for child support or maintenance (spousal or partner support).

Fee waiver: A legal document excusing a party from paying the court's filing fees and other court fees based on that person's household income.

File: A collection of documents and records regarding a specific case.

File stamped: A stamp given by the court clerk indicating the date on which the documents were filed by the court.

Financial disclosures: A comprehensive statement and supporting documents about one's current earnings, assets, and debts.

Grandparent visitation: After careful observation of the relationship between the child or children and grandparent/s, the court may sometimes allow official visitation between the child or children and their grandparents.

Grant deed: An official document that confirms that a real property is titled in a person's name and is their property.

Hearing (divorce or family law): A time both spouses must appear in court (sometimes virtually), during which a judge will consider evidence and testimony on one or more aspects of your divorce, such as child custody or support.

Income and expense declaration: A required form that a party files with the court, showing their income and expenses. In some states this can also be called a "financial statement" or "financial affidavit".

Income withholding: A voluntary or involuntary service where a party's employer withholds a portion of the party's income for purposes of paying support and/or debt.

Initial status conference: A date for you to come to court to discuss the status of your divorce; however, you will not be given any legal advice.

Injunction: A court order directing a person to keep oneself from doing something or ordering the person to do something.

Interrogatories: A set of questions written by one party and sent to the opposing party for them to answer under a lawful pledge.

Interspousal transfer deed: The official transfer of marital property to one spouse only.

Joinder: An action wherein a third party is formally added to a case; usually done with retirement plans.

Judgment: A legal document in some states that is signed and entered by the court, containing orders concerning all issues within the parties' divorce (support, property, attorney fees, etc.).

Judgment for dissolution of marriage: A judgment that officially terminates your marriage.

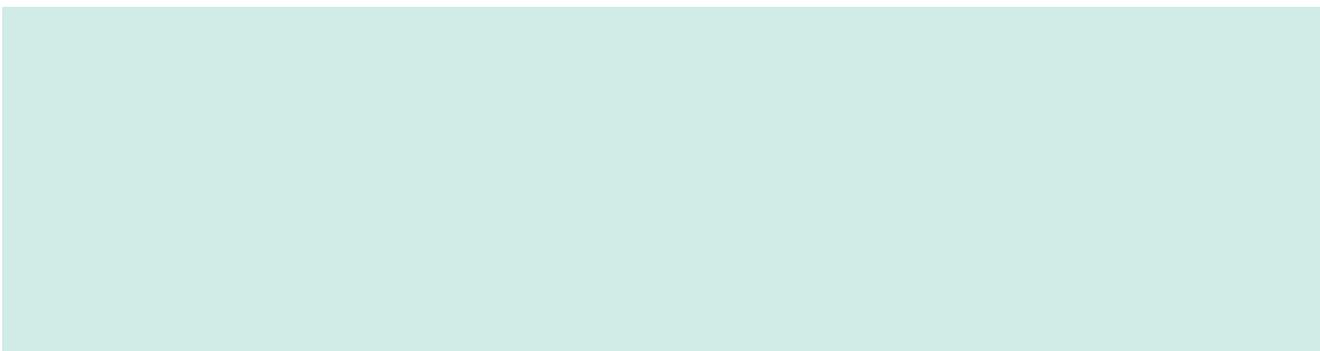
Judgment set aside: The process of invalidating a judgment that has been made by the court.

Legal coach (aka consulting lawyer): A lawyer who offers assistance with your divorce or other family law matter in the following ways: create and implement a legal strategy, draft documents to present in court, review and 'sign off' on an agreement, provide advice and guidance through a mediation process and/or learn about the law that applies in your case.

Maintenance: Maintenance is a new term for "alimony," "spousal support", or "partner support". Maintenance is financial support paid to a former spouse or partner.

Mediation: A meeting with a trained, neutral professional that helps spouses communicate and negotiate important issues related to their divorce. Mediation's purpose is to save time and money and reduce conflict compared to the traditional court process by reaching a marital settlement agreement.

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Motion: A written or oral request a party makes to the court for a specified ruling or order.

Notary public: A person authorized by the state in which the person resides to certify documents. The signature and seal or stamp of a notary public is necessary to attest to the oath of truth of a person making an affidavit and to attest that a person has acknowledged that he/she executed a deed, power of attorney or another document, and is required for recording in public records.

Parental responsibility: This term includes both parenting time and decision-making responsibilities regarding the children. (The term “custody” is no longer used.)

Parental rights: The authority to decide who cares for children and how. Also includes the ability to decide how to spend time with your minor child, including activities and time, in order to raise a child. Decisions about school, religion, and medical treatment are included and in some states called “legal custody.”

Parenting time: Also known as “visitation.” The right of a parent to spend time with their children by order of the court.

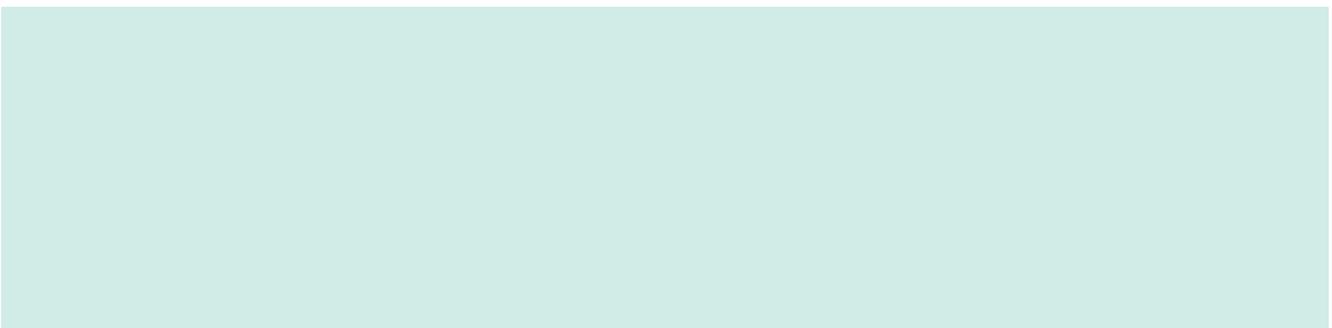
Pleading: Legal documents filed in a divorce.

Proof of service: A written statement or form filled out by an authorized person that proves to the court that a copy of a document was served (delivered) to its intended recipient.

Qualified domestic relations order (QDRO): A legal order that divides and reassigns ownership of a retirement plan to give the divorced spouse his or her share of the asset.

Rules of civil procedure: The official rules of policies and practices in courts. Some states have a Family Code or Family regulations/laws that apply as well.

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Separation agreement (aka marital settlement agreement or stipulated judgment): Written arrangements concerning custody or parental obligation, child support, spousal maintenance (alimony), and property division made by a married couple who are usually about to obtain a divorce or legal separation.

Serve: To give court paperwork that is part of a court case to the person that is being sued or the other person in the case. This is usually done by an adult who isn't involved in the case or a sheriff or private process server.

Summons (aka citation): A legal document that tells the respondent (the spouse who did not file) that a divorce case has been filed. They must then take an action if they want to be heard by the court.

Waiting period (varies by state): The period of time after you file your divorce petition that you must wait before the court will grant your divorce. The average waiting period is 60 days, but it can vary from 0 to 365 days.

Waiver of service (aka notice and acknowledgment of receipt or answer): In the event a spouse wishes not to be served with divorce papers, they can file a waiver of service form. If signed by the spouse, this can waive the need for 'formal' service (delivery) of divorce forms by a third party in person. It tells the judge that you know about the case and have received a file-stamped copy of the original petition for divorce.

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