



DIVORCE NAVIGATION  
& LIFE DESIGN

## GLOSSARY OF TERMS

- **Affidavit** - written statement of facts made under oath and signed before a notary.
- **Alternative Dispute Resolution** - Settlement technique used to resolve a case without a trial.
- **Alimony** - the financial payments made to a person by his/her former spouse during separation or following divorce. (spousal support).
- **Arrearage** - amount of child support that is past due.
- **Child Support** - financial support for a child. Not taxable to recipient or deductible to payor spouse.
- **Collaborative Divorce** - you and your spouse negotiate an acceptable agreement with some professional help. You and your spouse each have your own attorney in this scenario.
- **Common Law Marriage** - a relationship between two parties recognized as a marriage in some states even though no license or ceremony was involved. A divorce is required to terminate a common law marriage.
- **Community Property** - Generally, this is property acquired during a marriage as a result of the parties work and effort. Applied in states known as community property states.
- **Custodial Parent** - the parent with primary custody of children
- **Custody** - legal right and responsibility awarded by a court for the care, possession and rearing of a child.
- **Contested Divorce** - both spouses do not agree on all issues related to the dissolution of the marriage.

- **Decree** - the courts written order finalizing divorce
  
- **Default** - failing to answer a petition or complaint for divorce
  
- **Defendant/Respondent** - the spouse who did not file for divorce, but who must answer to the filing.
  
- **Deposition** - the testimony of a witness taken out of court, but still under oath and in writing.
  
- **Disclosure (Discover)** - procedures lawyers use to determine the nature, scope and credibility of the opposing party's claim and his or her financial status.
  
- **Divorce** - the legal dissolution of a marriage by a court or by any other competent body.
  
- **Do It Yourself Divorce** - both parties file together. Both parties agree to all terms before filing.
  
- **Emancipation** - the point at which a child may be treated as an adult and in some states when the duty to support may terminate.
  
- **Equitable Distribution of Property** - system of distributing property in connection with divorce or dissolution proceeding on the basis of a variety of factors without regard to who holds title.
  
- **Evidence** - documents, testimony or other materials offered to court to prove or disprove allegations.
  
- **Ex parte** - application for court relief made without the other party being present

- **Grounds** - reason for granting divorce in the eyes of the law
  
- **Guardian Ad Litem (GAL)** - a lawyer or mental health professional appointed by the court to represent the children.
  
- **Hold Harmless** - a situation where one spouse assumes liability for a debt or obligation and agrees to protect the other spouse from any loss or expense in connection with it.
  
- **Indemnification** - the promise to reimburse another person in case of an anticipated loss. (same as hold harmless).
  
- **Injunction (Restraining Order)** - a court order forbidding someone from committing a particular act that is likely to cause injury or property loss to another party.
  
- **Joint Legal Custody** - the sharing of both parents of the right to make important decisions about children's welfare.
  
- **Joint Property** - Property held in the name of more than one person.
  
- **Legal Separation** - a court judgement or written agreement directing spouses to live separate and apart. This does not dissolve the marriage or allow the parties to remarry, but it can resolve all financial claims.
  
- **Marital Property** - accumulated income and property acquired by spouses during a marriage, subject to certain exclusions in some states
  
- **Marital Settlement Agreement** - the parties settlement is reduced to a written document or orally placed on the record in open court. Also called a property settlement agreement or a separation agreement.
  
- **Mediation** - allows divorcing couples to meet with a specially trained neutral third party to discuss and resolve common divorce issues. Typically less stressful, less costly, and less time consuming than a traditional divorce

- **Motion** - a written application to the court for some particular relief (Ex: temporary support, injunction or attorney fees)
- **Motion to vacate the premises** - the court can order one spouse to leave the residence.
- **No Fault Divorce** - when divorce is granted without a party having to prove the other party's marital misconduct. Texas is a No Fault Divorce state.
- **Non-Custodial Parent** - the parent without physical custody of the children.
- **Order** - a court's ruling on a motion requiring the parties to do certain things and setting forth their rights and responsibilities.
- **Party** - the person in a divorce action whose rights or interests will be affected by the divorce.
- **Petition** - the first pleading in an action for divorce, separation or annulment.
- **Separate Property** - Property that is not marital property or community property and belongs only to one spouse.
- **Set Off** - a debt or obligation of one spouse that is deducted from the debt or financial obligation of the other spouse.
- **Settlement** - the agreed resolution of disputed issues.
- **Stipulation** - an agreement between the parties or their counsel.

- **Subpoena** - a document served on a party or witness requiring an appearance in court. Failure to comply can result in punishment by the court.
- **Summons** - written notification that legal action has commenced requiring a response within a specified time period.
- **Temporary or Pendente Lite Motions** - applications to the court for interim relief pending the final decree of divorce, separation or annulment. (Ex: temporary child support and custody arrangements)
- **Temporary Restraining Orders (TRO)** - An order of the court prohibiting a party from doing something (Ex: threatening, harming the other spouse or children, selling personal property, withdrawing money from accounts, etc.)
- **Testimony** - statements under oath by a witness in court or during a deposition.
- **Traditional Divorce** - a family court judge makes the decisions on Child Custody, Asset Division, Child Support, Alimony and more. Both parties cannot agree and must go to court. Litigated divorce.
- **Trial** - formal court hearing to decide disputed issues raised by pleadings.
- **Uncontested Divorce** - both spouses agree on all issues related to the dissolution of the marriage ( assets, child custody, etc.).