



Ac-An

Action

A court proceeding or lawsuit.

Affidavit

A written statement of facts, sworn to be true under oath before a notary public.

Agreement

An understanding and intention between the parties with respect to their relative rights and duties.

Allegations

The assertions or claims made in a pleading against the other party in a lawsuit.

Alimony

A lump sum or periodic payments made to a divorced spouse by a former spouse for maintenance or support. Alimony (Maintenance or Spousal Support) may be temporary or permanent.

Annulment

A court procedure that dissolves a marriage and declares that a valid marriage never existed.

An-D

Answer (Response)

The defendant's legal response to a complaint or petition.

Appearance

The voluntary submission by a defendant to a court's jurisdiction. The appearance can be made in person or by filing an answer, response or an appearance and waiver.

Award

A formal order by the court giving a party the right to compensation.

Cause of Action

The grounds upon which a suit is maintained.

Community Property Distribution

A system of property ownership. In most community property states, both spouses are considered to own equal shares of the community property.

Complaint (Petition)

The first document filed in court by one party (plaintiff, petitioner) stating the grievance against the other party.

Contested Divorce

When the court decides issues which have not been resolved by the parties.

Custodial Parent

The parent with whom the child(ren) resides.

Decree (Final Judgment)

The final court order dissolving the marriage.

D-J

Default Judgment

Where the defendant (respondent) fails to answer an allegation or make an appearance in the case; the court will give judgment to plaintiff (petitioner) based on the relief sought.

Defendant (Respondent)

The person defending against or denying the claim.

Divorce (Dissolution of Marriage)

The termination of a marriage by the courts through the powers given to them by the state.

Domicile (Residence)

Where a person lives and intends to reside.

Equitable Distribution

The equitable, but not necessarily equal, division of property acquired during the marriage. This is defined according to state law.

Fault-Based Divorce

A divorce granted because of marital wrongs.

Grounds

The legal reasons for the granting of a divorce.

Hold Harmless

An agreement whereby one party assumes the liability and agrees to relieve the other party of responsibility on the obligation.

Joint Legal Custody

Where the parents share the responsibilities and major decisions of the child(ren). Usually one parent is awarded physical custody.

J-P

Joint Physical Custody

Both parents share the physical custody of the child over alternating periods of time (also called shared parenting or co-parenting).

Jointly Owned Property

Property owned together.

Joint Tenancy

Property held by two or more persons equally. When one dies, the other owns the property without its passing through probate.

Jurisdiction

The legal right by which judges exercise their authority. The court must have subject matter jurisdiction and personal jurisdiction to grant a divorce.

Legal Separation

A court order used as the basis for support, allowing the parties to live separate and apart even though they are still married to each other.

Marital Property

Property acquired by persons while married and divided by the court upon divorce (dissolution of marriage).

No-Fault Divorce

A divorce in which the plaintiff does not have to accuse the other spouse of marital wrongdoings.

Pleading

Any document filed with the court which seeks action by the court.

Pre-nuptial Agreement

A contract entered into by people about to enter marriage. This agreement helps resolve issues of support, property distribution, or inheritance upon divorce. This is also called a pre-marriage agreement.

P-W

Primary Caregiver

The parent who has provided most of the daily care to a child; a determination often used in awarding custody.

Separate Property

The property that is not owned by both of the parties but owned individually. This may, nevertheless, be divided by the court.

Service of Process

The delivery of a summons informing the defendant (respondent) of a lawsuit.

Sole Custody

One parent is given physical custody of the child, along with the right to make all major decisions regarding the child.

Subject Matter Jurisdiction

The authority of a court to deal with the general subject involved in the action.

Subpoena

A document which commands a person to appear to give testimony upon a certain matter.

Summons

A document which informs that a lawsuit has been filed against you.

Uncontested Divorce (Friendly Divorce)

A divorce that is agreed upon by both parties and where there are no legal issues in dispute.

Waiver

A document which intentionally or voluntarily relinquishes a person's right.