

# GLOSSARY OF TERMS USED IN DIVORCE



Divorce can seem to have its own unique language. To help you navigate this unfamiliar process of divorce, here are a few terms that you may have heard, but need a definition.

## **Alimony**

Financial payments made to help support a spouse or former spouse during separation or following a divorce. Another term for this is spousal support or spousal maintenance.

## **Alternative dispute resolution (ADR)**

Methods of resolving legal disputes without going to trial, in a less adversarial manner, such as mediation or arbitration.

## **Arbitration**

Unlike mediation where the negotiations are between the parties to reach an agreement, arbitration is where there is a neutral party who listens to each side present evidence and arguments and then will issue a binding decision that is submitted to the Court to be the final order in the parties' case.

## **Child support guidelines**

Depending on the state guidelines, the court will usually factor in the net or the gross income of both parents. Using a formula, the courts apply the state child support guidelines to these factors.

## **Default**

Failing to answer a petition or complaint in divorce. Failing to file an answer or appear in court as required can result in the court awarding everything requested by the filing spouse.

## **Defendant**

The person who receives the legal papers asking for the divorce, also sometimes referred to as the respondent.

## **Deposition**

Part of the *discovery* or information-exchanging process of a legal proceeding, in which the attorney for the other party asks you questions and you answer with your attorney present, and a transcript of the proceedings is prepared.

## **Discovery**

Discovery is a critical part of the divorce process making sure that you have a complete understanding of all the facts. Each side obtains evidence and information from the other side, so that both parties have the same information to negotiate a fair agreement.

## **Dissolution**

Another word for *divorce*, which is the legal termination of a marriage relationship.

## **Domestic violence**

Physical abuse or threats of abuse occurring between members of the same household.

# GLOSSARY OF TERMS USED IN DIVORCE



## **Equitable distribution**

A division of marital property that is fair in view of the circumstances. However, equitable does not necessarily mean equal.

## **Interrogatories**

Written questions served by the opposing party that must be answered in writing as part of the *discovery* process.

## **Joint legal custody**

The sharing, by both parents, of the right to make important decisions about a child's welfare.

## **Joint physical custody**

The sharing, by both parents, of the actual physical care and custody of a child.

## **Late Case Evaluations**

When the expectations and demands of divorcing parties are miles apart and mediation has failed, late case evaluation is a tool that can help bridge the gap. Sometimes ordered by the court, this strategy serves as a reality check for one or both parties before they incur the considerable financial and emotional time and expense of a trial.

## **Legal custody**

The right to make important decisions about the raising of your child, on issues such as health care, religious upbringing, education, etc.

## **Marital property**

Generally, all property acquired during the marriage.

## **Mediation**

A form of *alternative dispute resolution* for resolving legal disputes without going to trial, using a trained and impartial third party who attempts to bring the parties together in mutual agreement.

## **Non-custodial parent**

The parent who does not have physical custody of the minor children.

## **Non-marital property**

Generally, property owned prior to the marriage, such as gifts or inheritance. There are rules around keeping the inheritance separate from the marital property.

## **Physical custody**

The day-to-day rights and responsibilities associated with having your child in your home and being responsible for his or her care and upbringing.

## **Plaintiff**

The person who initiates legal proceedings, often called the *petitioner* in family law matters.

# GLOSSARY OF TERMS USED IN DIVORCE



## **Prenuptial agreement**

An agreement entered before marriage that sets forth each party's rights and responsibilities should the marriage terminate by death or divorce. Also called a *premarital agreement*.

## **Qualified Domestic Relations Order (QDRO)**

Pronounced "kwah-dro," an order issued by the court to divide retirement benefits.

## **Respondent**

The person who answers a petition in a legal proceeding, sometimes also referred to as the *defendant*.

## **Restraining order**

An order issued by the court requiring the subject of the order to refrain from doing something, often issued in conjunction with *domestic violence* or *custody* disputes.

## **Settlement conference**

A meeting at which the parties and their lawyers attempt to settle the case before trial, often ordered by the court.

## **Split custody**

A form of custody in which some or one of the children is/are in the custody of one parent and the remaining child(ren) is/are in the custody of the other parent.

## **Spousal support or maintenance**

Financial payments made to help support a spouse or former spouse during separation or following divorce. Also called *alimony*.



**VICTORIA K. SHACKLEY,**  
JD, LLM, CFP®

Partner, Director of  
SignatureWOMEN



**JAMIE MCCUSKER  
GENTRY,** CFP®

Partner



**CLARA C. PARRIS,**  
CFP®

Advisor

If you would like to have a confidential conversation and learn more about how **SignatureWOMEN** can possibly be of help, please reach out to **Jamie McCusker Gentry** at [Jamie.Gentry@SignatureFD.com](mailto:Jamie.Gentry@SignatureFD.com), **Victoria Shackley** at [Vicki.Shackley@SignatureFD.com](mailto:Vicki.Shackley@SignatureFD.com), or **Clara C. Parris** at [Clara.Parris@SignatureFD.com](mailto:Clara.Parris@SignatureFD.com).

**SignatureFD, LLC** ("*SignatureFD*") is an SEC registered investment adviser located in Atlanta, Georgia. *SignatureFD* and its representatives are in compliance with the current filing requirements imposed upon SEC registered investment advisers by those states in which *SignatureFD* maintains clients. *SignatureFD* may only transact business in those states in which it is registered, or qualifies for an exemption or exclusion from registration requirements. *SignatureFD's* web site is limited to the dissemination of general information pertaining to its advisory services, together with access to additional investment-related information, publications, and links. Accordingly, the publication of *SignatureFD's* website on the Internet should not be construed by any consumer and/or prospective client as *SignatureFD's* solicitation to effect, or attempt to effect transactions in securities, or the rendering of personalized investment advice for compensation, over the Internet. Any subsequent, direct communication by *SignatureFD* with a prospective client shall be conducted by a representative that is either registered or qualifies for an exemption or exclusion from registration in the state where the prospective client resides. For information pertaining to the registration status of *SignatureFD*, please contact the SEC or the state securities regulators for those states in which *SignatureFD* maintains a notice filing. A copy of *SignatureFD's* current written disclosure statement discussing *SignatureFD* business operations, services, and fees is available from *SignatureFD* upon written request. ***SignatureFD* does not make any representations or warranties as to the accuracy, timeliness, suitability, completeness, or relevance of any information prepared by any unaffiliated third party, whether linked to *SignatureFD* web site or incorporated herein, and takes no responsibility therefore. All such information is provided solely for convenience purposes only and all users thereof should be guided accordingly.**

Please remember that past performance may not be indicative of future results. Different types of investments involve varying degrees of risk, and there can be no assurance that the future performance of any specific investment, investment strategy, or product (including the investments and/or investment strategies recommended or undertaken by **SignatureFD, LLC** ("*SignatureFD*"), or any non-investment related content, made reference to directly or indirectly in this newsletter will be profitable, equal any corresponding indicated historical performance level(s), be suitable for your portfolio or individual situation, or prove successful. Due to various factors, including changing market conditions and/or applicable laws, the content may no longer be reflective of current opinions or positions. Moreover, you should not assume that any discussion or information contained in this newsletter serves as the receipt of, or as a substitute for, personalized investment advice from *SignatureFD*. To the extent that a reader has any questions regarding the applicability of any specific issue discussed above to his/her individual situation, he/she is encouraged to consult with the professional advisor of his/her choosing. *SignatureFD* is neither a law firm, nor a certified public accounting firm, and no portion of the newsletter content should be construed as legal or accounting advice. A copy of *SignatureFD's* current written disclosure Brochure discussing our advisory services and fees is available upon request. **Please Note:** If you are a *SignatureFD* client, please remember to contact *SignatureFD*, in writing, if there are any changes in your personal/financial situation or investment objectives for the purpose of reviewing/evaluating/revising our previous recommendations and/or services, or if you would like to impose, add, or to modify any reasonable restrictions to our investment advisory services. *SignatureFD* shall continue to rely on the accuracy of information that you have provided.