

Phillips' Family Glossary – an explanation of terms

A	Absent parent:	This is a term used to refer to the parent who is living in a separate household to the child/ children. Also referred to as the non-resident parent.
	Acknowledgement:	A form sent to the Respondent and Co- of Service: Respondent (if applicable) with a copy of the divorce petition when divorce proceedings have been issued. This must be completed and returned to the court to acknowledge receipt of said petition and to confirm his or her intentions in response to the petition.
	Adjourned:	To adjourn means to suspend a court hearing until a later stated date and time.
	Adultery:	An act of sexual intercourse between a married man or woman and someone of the opposite sex who is not their spouse.
	Advocate:	A lawyer who pleads cases in court.
	Affidavit:	A written statement sworn to be true by the person making it, before someone legally authorised to administer an oath, such as a solicitor.
	Alternative dispute:	Methods of settling a dispute without a full, resolution: formal trial in court. Methods include mediation, conciliation, arbitration, collaborative law and settlement.
	Amendment:	A correction of a document.
	Annul:	To declare something such as an agreement or marriage no longer valid.
	Applicant:	The person who issues an application, for example for a divorce.
B	Bankrupt:	A person or company that is relieved from the payment of all debts by a court order after the surrender of all assets.
	Barrister:	A member of the bar, who is a lawyer able to represent clients in all the courts.
	Brief:	Written instructions to counsel (a barrister) to appear at a hearing on behalf of a client. This is prepared by the solicitor and sets out the facts of the case and any case law relied upon.
C	Chambers:	This is the name for the offices from which barristers work.
	Charge/Charging Order:	A court order directing that a charge be put on the debtors' property, such as a house or piece of land to secure payment of money due. A charge gives the holder security as they have to be paid out of the proceeds when such property is sold.
	Chattels:	A legal term used for personal effects, which could be a house, furniture, paintings, jewellery and other possessions.
	Child Maintenance:	Money the non-resident parent should pay the parent who has care of the child, for the benefit of the child.
	Child Support Agency:	The agency that has responsibility for assessing the level of maintenance the non-resident parent should pay the parent with care for the benefit of the child.
	Civil Partnership:	A legally recognised union between two people of the same sex.
	Claimant:	The person issuing the claim, previously known as the Plaintiff.
	Clean break:	A once and for all order that deals with all financial issues between spouses, provides for the dismissal of maintenance claims and is not capable of subsequent variations even if circumstances change.
	Cohabitation:	Living together when unmarried.

Cohabitation Agreement:	This is an agreement made between a couple who choose not to get married. It can clarify financial commitments, shares in a property and contingency plans for unexpected events such as separation or death.
Conciliation:	This is a type of mediation usually within court proceedings which is used to help a couple reach agreement on issues related to divorce. It is usually about the arrangements for children as opposed to financial issues. If conciliation occurs outside of the court process it is usually referred to as mediation (please see mediation).
Conflict of interest:	This is a term used by solicitors if they cannot act on your behalf due to another conflicting professional relationship, for example they may have previously represented someone who is involved in your matter.
Consent:	Agreement or permission.
Consent Order:	A court order which has been agreed by both parties.
Contact:	The arrangements made for the child to visit or stay with the parent who no longer resides with the child. This was previously known as access. Indirect contact refers to letters, cards, telephone calls etc.
Contact Order:	A court order under the Children Act for the child to visit or stay with the parent they do not live with. Contact orders may also be made in favour of non-parents, for example grandparents.
Co-Respondent:	A person named as an adulterer or third person in a divorce petition.
Counsel:	A barrister or solicitor in legal proceedings.
County Court:	Civil actions up to but not exceeding £50,000 are generally dealt with in this court. Divorce Petitions and Financial issues within a divorce are also dealt with in this court.
Court fee:	Fees you will have to pay to issue a claim, enforce judgment or to make applications
Cross Petition:	This is when the respondent puts forward different reasons for the breakdown of the marriage to the petitioner and seeks to divorce on those grounds.
D	
Decree Absolute:	The final order made by the Court dissolving the marriage.
Decree Nisi:	A provisional order issued by the Court once it is satisfied that the grounds for divorce are established. This allows the petitioner to apply to have the decree made absolute after a further six weeks and one day. A Decree Nisi does not end the marriage.
Deed of Separation:	An agreement between husband and wife that records what is agreed regarding property and finance and can even incorporate an agreement that proceedings for divorce will take place at a later date.
Desertion:	A ground for divorce, rarely relied upon and it is to leave someone without help or in a difficult situation and not come back.
Directions for Trial:	The stage of divorce proceedings when the District Judge considers the petition and the supporting affidavit and requests further information if required, before Decree Nisi is pronounced.
Divorce:	The termination of a marriage by legal action.
Domicile:	The domicile of origin is normally the place in which the person was born, however a new domicile of choice can be adopted by taking up permanent residence in another country.
E	
Exhibit:	This is a document shown in court, usually sworn with and attached to an affidavit, or attached to a statement.

F	Filing:	When documents are left with the Court Office for sealing and subsequent service on the other party if the other party has not already been given them.
	Financial Ancillary Relief:	This is the term used for the possible financial orders that a court can make in divorce proceedings.
	Financial Disclosure:	Full information about all matters relevant to any financial application; each spouse has a duty to give full and frank disclosure which if they fail to abide by may render a later Court order invalid.
	Financial Dispute Resolution	This is the second court appointment when Appointment: the judge considers all offers made. First Appointment: This is the first court hearing during which the judge considers what other information is needed to determine financial matters, after financial disclosure has been made.
	Form E	This is a sworn financial statement which contains details about capital, income, assets and liabilities.
H	High Court:	Court in which the most substantial civil actions (see 'Civil law') are brought. Big Money divorce cases are also heard in this court.
I	Injunction:	An order by the court telling someone what he or she must do or must refrain from doing; the penalty for not abiding by the terms of the order can be imprisonment.
J	Judicial separation:	A decree of judicial separation is a court order which allows the Judge to make orders about finances and other orders similar to those in divorce proceedings. After a decree of judicial separation a couple remains legally married but their normal marital obligations cease.
L	Legal aid:	This is the old term for government help with legal fees. This assistance is based on financial eligibility and merits of the case. Legal aid is now known as Community Legal Service funding.
M	Maintenance Pending Suit:	A temporary order for maintenance, made within divorce proceedings, applicable until the proceedings are finalised.
	Matrimonial home:	The property in which the married couple lived together, it can be either bought or rented.
	Matrimonial Homes Rights:	These are the rights of both spouses to live in the matrimonial home which last until Decree Absolute.
	Mediation:	This is a cost-effective way of helping parties to resolve problems and reach an agreement, often over children issues and/or finances, without having to go to court, with the help of a trained mediator.
N	Non-molestation order:	An order to prohibit one person from assaulting, harassing or interfering with another.
	Nominal maintenance:	This is when an order for a small amount of money is ordered to be paid to the other party, if at the time maintenance is not needed or cannot be paid due to circumstances. This is done so that if present circumstances change, there is an order on the court's file which can be reviewed and increased if necessary.
	Nullity:	This is an application to the Court for a declaration that a marriage be declared 'void' or be annulled.

P	Parental responsibility:	This means the rights and responsibilities that mothers and fathers have to their children. This includes the right to be involved in decisions concerning your child, having access to information about your child such as GP's records and the right to be informed about your child for example by your child's school. Since December 2003 fathers on the birth certificate automatically acquire parental responsibility. Otherwise it is acquired if the father was married to the child's mother or by court order.
	Party / parties:	People involved in court proceedings.
	Petition:	This is the document requesting a divorce or judicial separation.
	Petitioner:	The person who starts divorce proceedings by completing a petition and filing it at the court.
	Pre-nuptial agreements:	Written agreement made before a marriage which sets out the way in which the prospective husband and wife will hold their assets when they are married, and sometimes attempt to define the financial settlement should the couple get divorced. In England and Wales, pre-nuptial agreements are not legally binding but may be taken into consideration.
	Prohibited Steps Order:	This is a court order under the Children Act made to restrict a person's use of parental responsibility (for example, preventing a parent from removing a child from the country without the other parent's consent or court permission).
	Property adjustment order:	An order that a spouse should transfer a property to the other.
R	Residence Order:	A court order made to state who a child should live with. A Residence Order normally ceases when the child reaches sixteen years old. A person who has a Residence Order made in their favour will also acquire parental responsibility for the child for the term of the order.
	Respondent (family):	The spouse who receives the divorce petition or petition for judicial separation.
S	Sealing by the court:	This is when the court stamps a document when it is filed at the court. It is also the stamping of an order or decree when it is issued.
	Spouse:	A person's wife or husband.
	Spousal maintenance:	A sum of money one spouse pays for support and upkeep of the other.
	Statement of Arrangements:	This is a form which sets out the proposed arrangements for any children of the family when the parents are divorcing. If possible it should be agreed between both parents, signed and then sent to the court with the petition.
	Subpoena:	This is a legal document ordering someone to appear in court to give evidence.
W	Without prejudice:	This is a phrase used to prevent the court at a final hearing from knowing about negotiations that did not result in an agreement. The phrase is usually written at the top of letters. It is also a legal phrase that allows parties to discuss and negotiate a settlement to a legal claim, without admitting liability. Any documents headed "without prejudice" cannot be used in evidence in any subsequent court case without the permission of both parties.

