

# Glossary of Family Law Terms

## - A -

**ANSWER:** the written response to a complaint, petition, or motion.

**ALIMONY:** a payment of support provided by one spouse to the other.

**ANNULMENT:** a marriage can be dissolved in a legal proceeding in which the marriage is declared void, as though it never took place. In the eyes of the law, the parties were never married. It is available only under certain limited circumstances.

**APPEAL:** a legal action where the losing party requests that a higher court review the decision.

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## - C -

**CHILD SUPPORT GUIDELINES:** Florida has child support guidelines which must be followed in awarding child support. The guidelines are a formula based on both parent's income. It also takes into account the parenting time schedule, cost of daycare and medical insurance. There are only a few circumstances when the court can award child support higher or lower than the guidelines.

**CONTEMPT:** failure to follow a court order. One side can request that the court determine that the other side is in contempt and punish him or her.

## - D -

**DEFAULT:** a party's failure to answer a complaint, motion, or petition.

**DISCOVERY:** a way for getting information from the other side or other people. Examples of discovery are requests for production, interrogatories (written questions), and depositions (questions which are usually in person and recorded).



## - E -

**EQUITABLE DISTRIBUTION:** The determination of the division of marital property. The court must begin with the premise that the distribution should be equal, unless there is a reason for an unequal distribution.

**EXCLUSIVE USE AND POSSESSION:** the right of the parent who has custody of a minor child of the marriage to remain in the family home for a certain period of time from the date of the divorce, under certain circumstances.

## - F -

**FILING:** giving the clerk of Court your legal papers.

**FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE:** the official court document signifying the legal end of a marriage.

## - G -

**GROUND FOR DIVORCE:** the legal basis for a divorce; the law sets out specific reasons for a divorce which have to be proven before the court can grant a divorce. In Florida, the court must determine the marriage is “irretrievably broken”.

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## - J -

**JURISDICTION:** the authority of the court to hear a case.

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## - M -

**MANDATORY DISCLOSURE:** A rule requiring the parties to exchange particular documents in any proceeding for permanent financial relief, including, but not limited to, a request for child support, alimony, equitable distribution of assets or debts, or attorneys' fees, suit money, or costs.

**MARITAL PROPERTY:** includes all property acquired during the marriage, even if it is not titled in both names, with some exceptions.

**MARITAL SETTLEMENT AGREEMENT:** a written resolution of disputed issues.

**MAGISTRATE:** hears cases like a judge. A master's decision is reviewed by a judge before becoming final.

**MOTION:** a request to the court.

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## - P -

**PETITION:** a legal paper that starts a case.

**PETITIONER:** the one who files the suit.

**PRIMARY RESIDENCE & SHARED PARENTAL RESPONSIBILITY:** refers to the legal arrangements for whom a child will live with and how decisions about the child will be made. Primary Residence refers to where the child lives on a regular basis. Shared Parental Responsibility is the decision-making part. Generally, the parent the child does not live with will be allowed to have



“parenting time” (regular visits) with the child. The standard for Primary Residence is "best interest of the child".

**PRO SE:** representing yourself in court without an attorney.

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## - R -

**RECONCILIATION:** married people getting back together.

**RESPONDENT:** the person the case is brought against.

## - S -

**SERVICE:** providing the Respondent a copy of the papers being filed.

**SHARED PARENTAL RESPONSIBILITY:** See Primary Residence

**SPOUSE:** husband or wife.

**SUBPOENA:** a form issued by the court requiring someone to appear in court and/or bring documents.

**SUMMONS:** a form issued by the court directing a party to respond to a complaint, motion, or petition.

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## - U -

**UNCONTESTED DIVORCE:** when the defendant is not going to try to stop the divorce and there are no issues for the court to decide about the children, money, or property.



- **V** -

**VENUE:** the county where the case is heard.

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