

Glossary of Terms

arrearage:

Child or spousal support that is overdue or unpaid. A party that has arrearages is "in arrears."

bifurcate/bifurcation :

A bifurcation of a case enables the court to make orders and finalize specific issues of a case, while reserving the determination of remaining issues at a later date. For example, the court can terminate marital status while reserving other issues to be determined at a later date. This is commonly referred to as "status only."

community property:

Community property is everything that a husband and wife or registered domestic partners OWN TOGETHER. In most cases that includes:

- (1) Money or benefits like pensions and stock options that you now have which either of you earned during the time you were living together as husband and wife or as registered domestic partners; and
- (2) Anything either of you bought with money earned during that period.

ex parte:

These Latin words mean "from one side only." An example is a motion that is made without giving notice to the other side. In many courts, even ex parte motions require 24-hour notice to the other side except under unusual circumstances.

joint custody:

Both parents share in the joint legal and physical custody of their children.

joint legal custody:

Both parents share in the right and responsibility to make decisions relating to the health, education and welfare of their children.

joint physical custody:

Children spend a significant amount of time with each parent.

judgment:

- (1) The official decision of a court that resolves the dispute between the parties to a lawsuit;
- (2) The official decision or finding of a judge or administrative agency hearing officer about the respective rights and claims of the parties to an action; also known as a "decree" or "order," and may include "findings of fact and conclusions of law."

jurisdiction:

- (1) The legal authority of a court to hear and decide a case;
- (2) The geographic area over which the court has authority to decide cases;
- (3) The territory, subject matter, or persons over which lawful authority may be exercised by a court.

marital settlement agreement:

In a dissolution of marriage, legal separation, or annulment, a stipulated judgment will often include a marital settlement agreement (MSA). A marital settlement agreement is a written contract between you and your spouse that contains detailed legal wording about how the issues in your case will be handled. It is usually used when there are complicated issues of property, debt, support, or custody that need to be set out in the judgment.

minutes:

The official (permanent) record of a court proceeding, that tells things like what witnesses appeared, what motions were made, and what findings were reached.

motion:

A written request that a party makes to the court for a ruling or an order on a particular point.

perjury:

A false statement made on purpose while under oath in a court proceeding.

petitioner:

A person that presents a petition to the court.

proof of service:

The form filed with the court that proves that court papers were formally served on (delivered to) a party in a court action on a certain date.

pro per:

A short form of "in propria persona." Refers to persons that present their own cases in court without lawyers; from the Latin for "in one's own proper person."

Qualified Domestic Relations Order (QDRO):

An order or judgment issued by a court and approved by a pension plan, that divides a pension plan in order to make a fair division of property or to pay for child or spousal support.

respondent: The responding party in a dissolution, legal separation, nullity, paternity, or partnership case.

separate property:

Separate property is everything that a husband or wife or registered domestic partners OWNS SEPARATELY. In most cases that includes:

- (1) anything that you owned before you got married or registered as domestic partners;
- (2) anything you earned or received after your separation; and
- (3) anything that either of you received, as a gift or by inheritance, at any time.

separation date:

The date of separation for divorces or registered domestic partnerships is when one spouse (or both) or one partner (or both) decides that the marriage or partnership is over and takes some actions to show this (like moving out of the house).

sole physical custody:

The child(ren) will live with and be under the supervision of one parent. In this type of arrangement it is common for the other parent to have visitation.

sole legal custody:

One parent shall have the right and the responsibility to make the decisions relating to the health, education and welfare of a child.

stipulation:

An agreement relating to a pending court proceeding between parties or their attorneys.

summons:

A notice to a defendant or respondent that an action against him or her was filed in the court issuing the summons and that a judgment will be taken against him or her if the defendant or respondent doesn't answer the complaint or petition within a certain time.

transcript:

A written, word-for-word record of what was said at a trial or some other formal conversation like a hearing or deposition.