

## FAMILY CASE GLOSSARY

**AFFIDAVIT:** A written statement of facts made under oath and signed before a notary public or attorney.

**AGREEMENT:** A written resolution of the disputed issues (also known as a Stipulation). It becomes a court order when approved by a judge.

**ALIMONY:** Payment of support from one spouse to the other. (All sums received are taxable to the recipient spouse and all deductible by the payor spouse)

**ANSWER:** Typically, the second pleading in an action by which the Defendant or Respondent responds to the Plaintiff's complaint for divorce or the Petitioner's Application for Custody.

**APPEARANCE:** A form submitted to the Court which is the formal method of telling the court that a person submits to the court's jurisdiction. AMCs and GALs complete and submit this form after appointment. "Appearance" can also refer to a party's physical presence at court.

**ARREARAGE:** The accumulation of unpaid court-ordered amounts due from one spouse to the other, usually for the nonpayment of alimony or child support.

**ATTORNEY FOR THE MINOR CHILD (AMC)** A lawyer appointed by the Court to protect the legal interests of the minor child or children in any sort of dispute involving them. Unless the parents are indigent, the AMCs fees are paid by the parents.

**AUTOMATIC ORDERS:** A number of orders automatically imposed upon both parties at the start of a divorce or custody action and remaining in effect until the judgment. The orders prohibit, among other things, the permanent removal of the child from Connecticut, canceling insurance, and preventing contact between the child and the other parent.

**BEST INTERESTS:** In a custody dispute, the standard used to determine the custodial and other orders regarding children.

**CHILD SUPPORT:** Support for a child or children. Not taxable to the recipient spouse or deductible by the payor spouse. In Connecticut, the Child Support Guidelines determine the presumptive amount of support.

**CHILD SUPPORT GUIDELINES:** Rules the court must apply to establish child support amounts. Under some circumstances the court can deviate from those rules.

**COMPLAINT:** The first pleading in an action for divorce, setting forth certain allegations and the requested relief.

**CONCILIATION:** A request to the court by either spouse to enter into counseling sessions to explore reconciliation of the marriage. The request must be made within a prescribed time and suspends action in the dissolution case.

**CONFLICT RESOLUTION CONFERENCE (CRC):** A series of mediation meetings between parents to attempt a resolution of custody issues without the necessity of a trial. The meetings are conducted by a Family Relations Counselor and may include the AMC and/or GAL.

**CONTEMPT OF COURT:** The knowing and willful failure by a party to comply with a court order, judgment, or decree. Contempt may be punishable in a variety of ways up to and including jail.

**CONTESTED CASE:** Any case in which the court must decide custody because the parties have not agreed.

**COURT ORDER:** An oral or written statement by a judge directing the parties to act or refrain from acting.

**CROSS-EXAMINATION:** The questioning of a witness by the opposing party during a court hearing or at a deposition.

**CUSTODY:** The legal right to and responsibility for the care, possession, and rearing of the child. At birth, parents share joint legal and physical custody of a child, which may be altered by subsequent court order.

**DEFAULT OR DEFAULT JUDGMENT:** An order or judgment granted by the court without hearing the other side because he/she failed to submit papers within the time allowed or failed to appear at the hearing.

**DEFENDANT:** The person (husband or wife\*) who is sued for divorce.

**DEPOSITION:** The testimony of a witness taken out of court (usually at the attorney's office) under oath which is later transcribed.

**DIRECT EXAMINATION:** The initial questioning of a witness by the lawyer who called the witness to the stand.

**DISCOVERY:** The out-of-court procedure to obtain information regarding the nature, scope, and credibility of the opposing party's claims and his or her financial status. Also referred to as DISCLOSURE and includes INTERROGATORIES, PRODUCTION OF DOCUMENTS, and DEPOSITIONS.

**DISSOLUTION OF MARRIAGE:** The legal termination of a marriage. In Connecticut, the formal name for divorce.

**EQUITABLE DISTRIBUTION OF PROPERTY:** The Connecticut system of distributing property between divorcing spouses. A number of factors are considered; which spouse holds title to an asset is not controlling.

**EVIDENCE:** Testimony under oath, documents, or other demonstrative material offered to the court to prove or disprove allegations.

**EXCLUSIVE POSSESSION:** A request to the Court, on the showing of good cause, asking for an order that one spouse leave the marital residence and granting sole use and occupancy to the other spouse.

**EX PARTE:** An application for court orders without the presence or knowledge of the other party, usually due to an emergency situation.

**EXPERTS:** A person with specialized knowledge, such as a psychologist, accountant, real estate appraiser, pension evaluator, etc., who is determined by a court to possess the credentials necessary to be classified as an expert in his/her field.

**FAMILY SERVICES:** Also known as Family Relations. Part of the Judicial Branch, its counselors mediate or investigate disputes regarding children. The counselors will also mediate conciliation sessions and short calendar motions. If no resolution is reached, a Family Services Counselor may be asked by the court to perform an issue-focused or comprehensive evaluation of the family, make recommendations to the parties, and, if necessary, provide a full report to the court and testify at the hearing or trial. Family Relations Counselors also work with parties involved in family violence matters.

**FINANCIAL AFFIDAVIT:** A document, made under oath, on which a party reports weekly income, weekly expenses, liabilities and assets.

**GUARDIAN AD LITEM:** a person appointed by the court to serve as the guardian of a child's best interests for the purposes of the legal action only. The GAL need not be a lawyer.

**HEARING:** Any proceeding before the court for the purpose of resolving disputed issues through presentation of testimony and/or argument.

**INJUNCTION:** A court order forbidding someone from committing a particular act that is likely to cause legal injury or property loss to another party.

**INTERROGATORIES:** A series of written questions sent to the opposing party to discover certain facts in a divorce proceeding. The written answers to these questions must be under oath and answered within a prescribed period of time.

**JOINT CUSTODY:** The shared right and responsibility awarded by the court to both parents for the care, decision making, and rearing of the children. The court may order joint physical custody or joint legal custody or both. By statute, there is a presumption that an award of Joint Custody is in the child's best interests.

**JUDGMENT:** The decision of the court which resolves the dispute and determines the rights and obligations of the parties at the end of the divorce case. The Plaintiff's lawyer prepares the JUDGMENT FILE as the official document spelling out the terms.

**JURISDICTION:** The authority of the court to rule on issues relating to the parties, their children, or their property.

**LEGAL CUSTODY:** The right to make significant decisions about a child, including residence, medical care, education and religion.

**LIMITED CONTESTED CASE:** A case involving children in which custody is resolved but the court must decide visitation of children or financial issues because the parties have not been able to agree.

**MEMORANDUM OF DECISION:** The court's written decision, after a divorce trial or other contested hearing, setting forth its decree.

**MOTION:** A written request to the court asking for certain orders.

**MOTION TO MODIFY:** A written request to the court to change a prior order regarding custody, child support, alimony, or any other order that the court may change.

**NO-FAULT DIVORCE:** The law in Connecticut, meaning a divorce may be granted without the necessity of proving one of the parties is guilty of marital misconduct. The usual ground

for dissolution is commonly referred to as “irretrievable breakdown”. Fault may still be considered in the court’s determination of alimony and property division.

**ORDER:** A written direction by a court to do or refrain from doing certain things or setting forth rights and responsibilities.

**PARENTAL ACCESS** a more modern term used to describe time a non-custodial parent is entitled to spend with a child. Used interchangeably with VISITATION and PARENTING TIME.

**PARENTING EDUCATION:** A six hour educational program which is court mandated (except under unusual circumstances) for all parents involved in a divorce or post-judgment matter. It is required even if the parents have reached an agreement on all issues pertaining to the children.

**PARENTING PLAN:** The written schedule allocating the child’s time between parents. Usually includes holiday and vacation time as well. May include very specific provisions regarding telephone contact, rights of first refusal, transportation, etc. More broadly, may also include the custody designation, a definition of decisions requiring agreement by both parents, procedure in case the parents do not agree, restrictions on relocation, etc.

**PARENTING TIME:** A more modern and accurate term to define the periods of time a parent spends with a child. May also refer to time a custodial parent spends with a child. Used interchangeably with VISITATION and PARENTAL ACCESS when referring to a non-custodial parent’s time

**PARTY:** The husband or wife in a divorce action or mother or father in a custody action\*.

**PENDENTE LITE MOTIONS:** Written requests to the court for temporary relief pending the final decree of divorce. Typical motions include motions for temporary alimony, child support, attorney’s fees, costs, expert fees, custody, visitation and requests for exclusive possession.

**PETITIONER:** The party who initiates a case by filing an application for custody or visitation between never-married parents.

**PHYSICAL CUSTODY:** The right to determine the child’s residence and make day-to-day decisions about the child’s care, subject to the right of the other parent to spend time with the child and make day-to-day decisions while the child is with him or her.

**PLAINTIFF:** The person (husband or wife\*) who starts the dissolution action.

**PLEADINGS:** Formal written applications to the court for relief and the written responses to them. Pleadings include answers, counterclaims, replies, and motions.

**PRETRIAL:** An attempt to settle a divorce by a judge or special master. If by a judge, the spouses are not present, but their attorneys are. If by Special Masters, both spouses and attorneys are present.

**PRO SE:** A litigant who represents himself/herself without an attorney. Also referred to as a SELF-REPRESENTED INDIVIDUAL (SRI).

**RELIEF:** Whatever a party to a divorce or custody proceeding asks the court to do: dissolve the marriage, award alimony, enforce a prior court order or decree, divide

property, enjoin certain behavior, award custody, and so on.

**RESPONDENT:** The party against whom a custody or visitation application is filed by the other parent when the parents were never married.

**RESTRAINING ORDER:** Sometimes referred to as a 46b-15. A civil order entered in response to an application for relief from abuse. Typically, the applicant seeks an *ex parte* order based only on an affidavit of facts. Where such an order enters, a hearing must be held within fourteen days. A restraining order may include an order not to return to the residence and/or may limit contact with the applicant or children. A criminal PROTECTIVE ORDER may contain similar restrictions but is issued only after an arrest for a family violence crime.

**RETURN DATE:** A date approximately one month after the Plaintiff or Petitioner has caused the summons and complaint or application to be served on the other party by a marshal. This is the date by which the Defendant or Respondent must enter an appearance or risk being defaulted. The return date also starts the clock running for the mandatory 90 day waiting period before a divorce may enter in Connecticut.

**REQUEST FOR PRODUCTION OF DOCUMENTS:** Part of the discovery process to obtain documents and/or other information from the other spouse.

**RULES OF EVIDENCE:** The rules that govern the presentation and admissibility of spoken words and documentary evidence at court hearings or depositions.

**SETTLEMENT:** The agreed resolution of disputed issues.

**SEPARATION AGREEMENT:** The global settlement of a divorce reduced to a written document which is a contract between the parties and which they ask the court to enter as a judgment.

**SERVICE OF PROCESS:** Delivery of legal papers by an authorized person, typically a marshal, either by handing the papers to the party ("in hand service") or by leaving the papers where the party lives ("abode service").

**SHARED CUSTODY:** A form of joint custody in which the child or children spend substantial (but not necessarily equal) amounts of time with each parent.

**SHORT CALENDAR:** A court date (usually the same day each week, varying by judicial district) when motions are heard by a judge.

**SOLE CUSTODY:** A form of custody in which only one parent is awarded legal and physical custody of the child or children. A sole custodian may make all significant decisions regarding a child, subject to the other parent's right to spend time with the child and make day-to-day decisions while the child is with him or her. Sole custody does not include the right to override court orders about when the child will visit with the other parent.

**SPECIAL MASTER:** An attorney and/or a Mental Health Professional, experienced in divorce matters, who volunteers time to assist parties and their attorneys in the settlement of a divorce or custody dispute. In judicial districts there are usually two attorney special masters (one male, one female) who conduct the pretrial of divorce cases; at the Regional Family Trial Docket, there is usually a male/female attorney/MHP team .

**SPLIT CUSTODY:** When custody of siblings is divided between parents.

**STIPULATION:** A written agreement between the parties.

**SUBPOENA:** A document served on a party or witness requiring appearance in court. Failure to comply with the subpoena could result in punishment by the court. A subpoena *duces tecum* is a subpoena requesting documents.

**SUMMONS:** A written notification that legal action has commenced, requiring a response within a specified time period. The complaint or application is attached to it and both are served by a marshal.

**TEMPORARY RESTRAINING ORDER (TRO):** An order of the court prohibiting a party from doing something, for example, threatening, harassing, or beating the other spouse and /or the children, moving, selling personal property, or taking money out of accounts. A type of an Injunction.

**TESTIMONY:** Statements under oath by a witness in court or during a deposition.

**TRANSCRIPT:** A typewritten record of everything that was said during a deposition or court hearing.

**TRIAL:** In a divorce or custody proceeding, a formal court hearing before a judge (never a jury) to decide disputed issues.

**UNALLOCATED ALIMONY:** A combined payment of support for a spouse and children which is not specifically allocated between alimony and child support. (All taxable to the recipient spouse and all deductible to the payor spouse.)

**UNCONTESTED DIVORCE:** A proceeding in which a person sued for divorce does not fight it or when the spouses have reached an agreement about all issues during the divorce proceedings.

**VISITATION:** Time for the non-custodial parent to spend with the children. The time can be flexible or specific and under such terms and conditions as the parties agree or a court directs. Also known as PARENTING TIME or PARENTAL ACCESS.

\* Husband/Wife and Mother/Father are used for convenience; all definitions apply to same sex spouses and parents as well