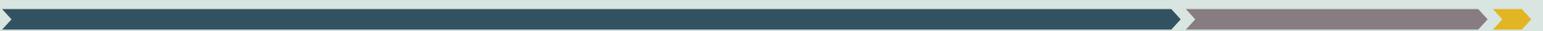




# Glossary of Terms

CALIFORNIA DIVORCE

*hello* divorce.



# Glossary of Terms: California Divorce

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**Abstract of Judgment:** A written summary of a Judgment that states how much money one party owes to the other and any other specific monetary orders made by the Court.

**Alimony (aka Spousal Support):** A term for the funds that one is required to pay to his/her spouse/ex-spouse per Court order.

**Annulment:** A lawful decision that states one's marriage is not valid due to one or more legal reasons such as having an unstable mind, incest, bigamy, being a minor, or utilized coercion.

**Appeal:** Applying to a higher court for a reversal of the decision of a lower court.

**Arrears:** The state of being late in paying Court-ordered funds to another party. Arrears may lead to debt and imprisonment.

**Assignment of support rights:** When a person agrees to give the state any child and/or spousal support or medical support money that was owed to such person at the time they were receiving public assistance provided by the state.

**Bench trial:** A trial wherein the Judge hears and decides the case without the presence of a Jury.

**Bifurcation:** To separate an issue or issues from a case so that they are to be negotiated or heard at a later time.

**Bifurcation of marital status:** To separate the issue of marital status from the remaining issues in the case.

**Brief:** A written legal document presented by either side, or both, to the Court arguing their stance on an issue or issues in the case.

**California Rules of Court (CRC):** The official rules of policies and practices in California courts.

**Case number:** Often referred to as the case ID. This is a number assigned by the Court clerk to identify a specific case

**Certified Family Law Specialist:** An attorney who is officially recognized by the State Bar of California's Board of Legal Specialization as a specialist, for his/her well-qualified performance and knowledge in all areas of family law.

**Child abuse:** Harming a child or minor in any form, such as physically, emotionally, and/or sexually.

**Child Custody (physical and legal):** The assignment of rights and responsibilities to parents for the care and maintenance of their children. Legal custody refers to being responsible for the child's health, education, and overall well-being. Physical custody refers entirely to whom the child resides with.

**Child custody evaluation:** The process of analyzing the well-being of a child to confirm that the child is receiving sufficient care and analyzing the mental health and parenting practices of the child's parents.

**Child Custody Recommending Counseling:** A form of negotiation between two parents or guardians with the help of a Child Custody Recommending Counselor, who is also a mental health professional and who reports back to the Court.

**Child support:** Funds paid by one party to the other, per Court order, to support their child or children.

**Collaborative law:** A legal process wherein parties work with lawyers and/or other family law professionals to come to a resolution of their divorce or separation issues without the need for court intervention.

**Commissioner:** A person who has been appointed by a judge and has the authority, given by the Court, to make his/her own decisions on specific legal matters.

**Community obligations:** The requirement to pay together any unpaid balance or debt that a husband and wife, or registered domestic partners, had while married or while they lived together.

**Community property:** Any property owned together by husband and wife or registered domestic partners, such as money or stocks, real property, financial accounts, etc.

**Contempt:** A willful disregard of the Court or Court orders.

**Contempt arraignment:** A proceeding at Court in front of a Judge wherein the arraigned party enters a plea with the Court regarding their having been in contempt of Court.

**Contested:** A situation wherein each or one party opposes the other's position on an issue or case.

**Co-parenting therapist:** An individual who helps with counseling and gives advice on how to make important decisions for the party's child or children.

**Court order:** An official and legal solution made by the Court and entered into the case file.

**Court reporter:** The person in charge of writing down every word said inside of the courtroom during a proceeding. He/she often uses a stenographic machine, short hand, or recording device.

**Cross examination:** The questioning of a party or witness who has already testified to the Court by the opposing party or attorney.

**Custody mediation:** A process wherein both parties meet with a neutral third party (referred to as a 'Mediator') to negotiate disagreements or issues regarding a parenting plan or parenting practices.

**DCSS/Department of Childhood Support Services:** A program that assures children and their family are receiving what the court has ordered (usually regarding financial and medical issues).

**Declaration:** A legal written document submitted by one party to the Court documenting their position on an issue or issues.

**Deferred sale:** When a sale of something is temporarily delayed; this term is usually used when referring to sales of a "home".

**Direct examination:** The questioning of a witness or party during which they will answer questions and/or present evidence to the Court.

**Discovery:** The process of collecting information such as documents, facts, or evidence, through investigations, depositions, interrogatories, or requests for admission.

**Dismiss with prejudice:** When the Court dismisses a case or issue within a case, permanently; no party may bring the dismissed case or issues back to Court.  
**Dismiss without prejudice:** When the Court dismisses a case or issue within a case, but not permanently; any party may bring the dismissed case or issues back to Court.

**Disqualification:** When a Judge or Commissioner is deemed to be unfit to hear a matter and is removed from the matter.

**DissoMaster:** A program used to calculate exact support and bonus amounts payable by one party to the other.

**Docket:** A record of each case and each action and hearing conducted within the case.

**Earnings assignment:** A way for employees to dedicate a part of their paychecks toward child support or debt.

**Earnings Withholding Order:** An order made by the Court that instructs an employer to withhold a portion of an employee's pay, as a way to satisfy payments they owe; those withheld payments are then sent to the payee to whom they are due.

**Endorse:** A process of signing your legal name on a document to authorize it.

**Endorsed filed copies:** Official stamped copies of files entered into a Court case, indicating the exact date that they were presented to the Court clerk.

**Evidence:** Proof that is offered in a trial as records, documents, or through witnesses.

**Exhibits:** A document, set of facts or things offered as proof of an allegation that have been officially identified and confirmed as evidence by the Court.

**Family Code:** A set of sections of the California Codes concerning family law.

**Family Law:** A compilation of statutes that encompasses any dispute or law surrounding family; it is usually affiliated with marriage, divorce, child custody, adoption, etc.

**Family Law Facilitator:** An experienced lawyer in the field of family law who works for the Superior Court of California and provides assistance to those who do not have a lawyer and need assistance with their Court paperwork, for free.

**Fee waiver:** A legal document excusing a party from paying the Court's filing fees and other Court fees, based on that person's household income.

**File:** A collection of documents and records regarding a specific case.

**File stamped:** A stamp given by the Court clerk indicating the date on which the party submitted a document to the Court clerk.

**FLARPL:** Family Law Attorney's Real Property Lien; a lien, recorded by a family law attorney, encumbering a portion of a party's interest in community real property for the amount owed by that party to their attorney.

**FOAH:** Findings and Order after Hearing; a legal written document delineating the Orders made by the Court after a hearing.

**Grandparent Visitation:** After careful observation of the relationship between the child or children and grandparent/s, the Court may allow official visitation between the child or children and their grandparent/s.

**Grant Deed:** An official document that confirms that a real property is titled in your name and is your property.

**Guideline child support:** A calculation used by the Superior Courts of California, calculating the amount of money one party must pay to the other for support of the child or children; the parties' gross incomes and deductions are utilized to determine the amount of support.

**Income and Expense Declaration:** A required form that a party files with the court, showing their income and expenses.

**Income Withholding:** A voluntary or involuntary service where a party's employer withholds a portion of the party's income for purposes of paying support and/or debt.

**Interrogatories:** A set of questions written by one party and sent to the opposing party for them to answer under a lawful pledge.

**Interspousal Transfer Deed:** The official transfer of property from one spouse to another.

**Joinder:** An action wherein a third party is formally added to a case; usually done with retirement plans.

**Joint legal custody:** A custody arrangement that permits both parents to make choices together regarding their child or children's education, health and overall happiness.

**Joint physical custody:** A custody arrangement that permits the child to spend the same amount of time with each parent.

**Judgment:** A legal document signed and entered by the Court, containing orders concerning all issues within the parties' case (support, property, attorney fees, etc.).

**Judgment for Dissolution of Marriage:** A Judgment that officially terminates your marriage.

**Judgment Set Aside:** The process of invalidating a Judgment that has been made by the Court.

**Judicial Council forms:** A set of forms that systemize the development of court documents; they are either labeled as “mandatory” or “optional”, which litigants must use and may use, respectively.

**Jurisdiction:** The power given to the Court to hear and determine a specific case, or issues within a case.

**Legal Coaching:** Assistance from a third-party attorney that helps guide a party through legal proceedings, without the third-party attorney becoming that party’s attorney of record.

**Lis Pendens:** Written notice that a lawsuit has been filed.

**Local Child Support Agency:** An agency that aids in the collection child support funds and the enforcement of child support orders. They also have the authority to make or alter child support orders in general.

**Local Forms:** Forms adopted by the County to be used within that County for filing.  
**Local Rules:** A set of rules specific to each county court within the state.

**Mandatory:** Required.

**Marital Settlement Agreement:** A legal written agreement entered into by the parties delineating how each issue within the case is to be resolved.

**Mediation:** When a neutral third party (“Mediator”) communicates with the parties to negotiate a dispute.

**Memorandum of Points and Authorities:** A legal written document explaining the law and how it applies to and affects a certain issue within a case.

**Minor:** A person under the age of eighteen years old.

**Modification:** The legal process of altering a legal order, or a portion of a legal order.

**Move away:** When one parent who has custody over his/her child or children physically moves away with the child or children.

**Nesting:** A living arrangement wherein the parties’ child or children continue to live at their home, while each parent moves in and out during their custodial time.

**Notice:** A written statement or warning to bring attention to a party of an action or pending action.

**Notice and Acknowledgment of Receipt:** A written statement that confirms one has received a document.

**Nullity of Marriage (Annulment):** A legal decision that states a marriage is not valid.

**Order:** An official legal document delineating the Judge's decision on a certain issue or issues within a case.

**Parentage:** A legal order regarding who the parents of a child are.

**Parenting plan:** An agreement that lays out when and how long the child will be with each parent, as well as how the parents will make decisions for the child.

**Payee:** A person to whom money is paid.

**Payor:** A person who pays money to another person.

**Pendente lite:** Official orders made while an issue or matter is pending.

**Personal service:** The personal delivery of court forms to another person.

**Petition:** A legal written document filed with the Court informing the Court of a party's desire to initiate an action.

**Petitioner:** The person filing a petition.

**Pleading:** A legal written statement explaining one party's stance on an issue, and requesting that the Court grant relief on that issue.

**Post judgment:** Any action taken place after an official Judgment has been entered by the Court.

**Postnuptial Agreement (Transmutation Agreement):** An agreement on how to settle financial issues (usually) between both spouses should those spouses separate, made during the time of marriage.

**Prenuptial Agreement (Premarital Agreement):** An agreement made before marriage, regarding how to settle properties and assets between both spouses should those spouses separate.

**Primary child custody (note: not a legal term):** A custody arrangement wherein one parent makes majority of the decisions for the child and spends most time with him/her.

**Private Judge:** Neutral attorneys or, sometimes retired judges, who are hired by the parties to review and approve the parties' agreements, which are then filed with Court.

**Process server:** An individual who legally delivers Court papers to a party in a pending action.

**Proof of service:** A form that confirms that Court papers were officially delivered and the time at which they were delivered.

**Public record:** A record made by the Court that is accessible to the public to examine.

**Qualified Domestic Relations Order (QDRO):** An official order by the court that separates a retirement or pension plan.

**Quasi community property:** Property acquired by a spouse in a non-community-property state that would have otherwise been community property, had the acquiring spouse resided in a community property state at the time of acquisition.

**Quitclaim Deed:** A legal document that transfers one party's interest in real property to the recipient.

**Recess:** A short break during a courtroom session.

**Register of Actions:** A collection of cases and actions within those cases, accessible online.

**Registered Domestic Partnership:** A relationship wherein two individuals who live together and have registered with the State in order to establish their relationship on public record.

**Request for Orders:** A legal document one files with the Court requesting that the Court make orders regarding certain issues within a case.

**Reply Declaration:** A legal document one files with the Court formally responding to a party's previous filing prior to a hearing.

**Respondent:** The person filing a Response in a lawsuit or Court action.

**Response:** A legal document responding to the other party's Petition, relaying to the Court the Respondent's wishes and objections.

**Restraining order:** An official court order that demands an individual refrain from doing something for as long as the court orders.

**Sanction:** A monetary order given by a Judge or Commissioner to a party for that party's failure to act.

**Schedule of Assets and Debts:** A Judicial Council form required by both parties in a divorce action, that lists each party's assets and debts.

**Seek work order:** A Court order that demands one or both parties to make the effort to become employed.

**Separation date:** The date upon which either one spouse/partner or both spouses/partners decide to terminate their marriage.

**Separate property:** Any property or possessions that two spouses own separately; for example, an individual's possession before getting married.

**Service by publication:** When the service of process is done through posting in a newspaper or on a courthouse bulletin board.

**Service of Process:** A process of delivery of legal documents to the opposing party; it must not be done by a minor or someone involved in the case.

**Settlement agreement:** A written agreement that details how disputes will be resolved.

**Sole legal custody:** A court decision that states only one parent will be given the authority to make decisions such as well-being, education, and health for their child.

**Sole physical custody:** When a court decides that a child will primarily live with one parent.

**Special master:** A neutral third-party attorney appointed by the Judge in a matter to oversee a specific issue within a case, and to make binding orders regarding that specific issue.

**Spousal support:** A Court order requiring one spouse to pay a monthly amount of money to the other spouse for a specified period of time.

**Stipulation:** An agreement made between the parties, reduced to writing and filed with the Court.

**Subpoena:** A legal request for documents or a legal request that a person appear in court or other legal proceeding.

**Substituted service:** When a Process Server serves an individual indirectly by giving the documents to a friend or family member or leaving the documents at the party's workplace.

**Summary Dissolution of Marriage:** A short, uncomplicated way to end a marriage that must meet certain requirements: a marriage of less than five years, no children, no ownership of any real property or land; do not owe more than \$6,000 for debts acquired during marriage; have less than \$41,000 worth of property acquired during the marriage; do not have separate property worth more than \$41,000; an agreement that neither party will collect spousal support from the other; and each party having signed an agreement dividing all property.

**Summons:** A legal notice advising you that a lawsuit has been filed, in which you have been named the Respondent, and the time-line in which you have to respond to said lawsuit.

**Superior court:** A court with general jurisdiction, where judges both hear and decide on cases based on current laws.

**Supervised Visitation:** A visitation between a child and a parent that is supervised by a party either appointed by the Court or agreed to between the parties.

**Transcript:** An official written record of what was verbally said in a courtroom during a proceeding.

**Temporary judge:** A Judge who volunteers to work for an interim amount of time  
**Uncontested:** When both parties have reached a mutual agreement regarding all or certain matters within an action.

**Venue:** The county or district where a case must be heard.

**Visitation:** A Court ordered date and time wherein one parent has custodial time with the minor child or children.

**Writ of Execution:** A legal order enforcing a prior Judgment.