



COMMON TERMS IN FAMILY LAW MATTERS

In order to provide you a higher level of understanding of some divorce terms and contexts, we give you this glossary. If at any time there are terms that you are unfamiliar with that you find on any document from this office or the court, we invite you to contact us for clarification. These definitions are not meant to be a substitution for legal advice and depending upon certain circumstances, terms may be used in different contexts.

Action: A lawsuit or proceeding in a court of law.

Affidavit: A sworn statement by a person. Lying in any affidavit can result in a charge of perjury which could mean a fine, imprisonment, or both.

Agreement: A verbal or written resolution of disputed issues.

Alias Summons: An additional summons when the original is not served on the defendant/respondent.

Alimony (see Maintenance): Financial support paid to one spouse by another. This support is not for the children, but, rather is to maintain the standard of living for the receiving spouse. In Illinois, this is now a statutory equation.

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.

Answer: The written response to a complaint, petition or motion.

Child Support: This is what the non-primary residential parent pays to the residential parent to help support his or her child. The amount of child support is set by law.

Illinois Statutory Guidelines for Child Support

Number of Children of the Relationship (Including Natural Born and Adopted)	Percent of Supporting Parent's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6	50%

Circuit: The judicial system in Illinois is divided into circuits. Each circuit defines a geographic area in Illinois.

Collusion: An agreement between two or more persons that one of the parties brings false charges against the other. Example: A neighbor agreeing to testify in court that they have never seen the significant other co-habiting at an address when they actually have.

Corroborative Witness: A person who testifies for you and backs up your story.

Court Status: Depending upon the county in which the divorce is filed, the Court will require the attorneys to present themselves before the assigned judge and provide a status as to the case. These statuses are set anywhere from thirty (30) to sixty (60) days apart. If a party is represented by an attorney and there is no specific order, they will not be required to appear for status. If a party is unrepresented or if prior court order demands, they must appear in court.

Default: A party's failure to answer a complaint, motion or petition in a timely matter.

Defendant/Respondent: The person the case is brought against.

Discovery: The process of getting information from the other side or other people. Examples of discovery are interrogatories (written questions) and depositions (questions which are usually in person and recorded.)

Dissolution: The legal end of a marriage. To dissolve the bonds of matrimony.

Divorce: The end of a marriage. The legal proceedings that you go through to end your marriage, divide property and debt and determine the best interests of your minor child(ren).

Equitable Distribution: The division of property between the spouses, and usually only that property bought or acquired by one or both spouses during the marriage.

Filing: Giving the clerk of court your legal papers so they can be part of the court record and made available to the judge for ruling.

Financial Affidavit: A form to provide financial information and documents to the other party and the court in cases involving child support, children's expenses, college expenses, spousal maintenance (alimony), or attorney's fees. This affidavit is part of discovery in all family law matters.

Four Way Conference: A conference involving both spouses and their attorneys to work to resolve disputed issues in the case in an attempt to obtain an agreement.

Guardian Ad Litem: A guardian, usually a lawyer, appointed by the court to appear in a lawsuit on behalf of a protected or minor party.

Grounds: In Illinois, the grounds are set by statute. All grounds other than irreconcilable differences have been eliminated.

Hearing: An opportunity for both parties to tell the judge or jury their side of a dispute. Hearings can occur throughout a contested divorce and can range in topics from child support, use of home, orders of protection, setting of support and other issues as they arise.

Home State: The state where a child or children of the marriage lived with a parent for at least six (6) months before a child custody, support or visitation action was filed in court.

Innocent Spouse Rules: Internal Revenue Service (IRS) rules that protect one spouse from the other spouse's tax fraud or other tax-related conduct. This is only when the "innocent spouse" had no knowledge or understanding of the tax records.

Irreconcilable Differences: A ground for divorce in Illinois. To prove this ground, you must show that you have lived separate and apart for six (6) months, that all attempts at reconciliation have failed or that future attempts at reconciliation would not be in the best interests of the family.

Irretrievable Breakdown: The legal grounds for no-fault divorces.

Judge: A public official appointed or elected to hear and decide legal matters in court.

Judgment: A final decision or order of the court.

Jurisdiction: The authority of a court to hear your case. Jurisdiction can be either over a person or over a thing. For a state court to have jurisdiction over a person, generally, the person must either reside in the state or have committed an act in the state that gave rise to the case.

Maintenance (Formerly known as Alimony): Financial support paid to one spouse by another. This support is not for the children, but, rather is to maintain the standard of living for the receiving spouse. The supplemental forms waive maintenance. In Illinois, this is now a statutory equation.

Marital Settlement Agreement(MSA): A document that sets forth the terms of an agreement between spouses as part of a divorce. Generally, marital settlement agreements discuss items such as property, debts, taxes and real property. If it is made part of a judgment, a marital settlement agreement has the force of law.

Marital Debt: Generally, debts acquired after the date of a marriage and before the date of a divorce.

Marital Property: Generally, property bought after the date of a marriage and before the date of a divorce. There are significant factors that can arise.

Minor Children: Children under the age of eighteen.

Motion: A written or oral request to the judge after a lawsuit has been started (see petition).

Net Income: Income calculated after the mandatory deductions such as state and federal taxes.

No-Fault Divorce: A divorce that doesn't require one spouse to prove the other spouse's fault or misconduct before being entitled to a divorce.

Non-Marital Debt: Generally, debts acquired before the date of a marriage or after the date of a divorce.

Non-Marital Property: Property that belongs only to one spouse and won't be included in any equitable distribution of property. Generally, property acquired before the date of a marriage or after the date of a divorce. There are significant exceptions that may apply.

Notary public: A person who verifies that a signature on a document is made by the person whose signature appears. The notary public does not verify the content of the document itself.

Notice: The formal legal process of informing one spouse about a legal action or proceeding involving that spouse.

Opposing Counsel: The attorney for the other side.

Order: A court's ruling or decision on a certain matter or legal issue, usually a decision on a motion filed by one spouse.

Other Party: Another person involved in the legal matter.

Paternity Test: Proving the identity of a child's biological father through scientific methods.

Petition: A written request to the court. A petition usually starts a lawsuit and contains the facts that one person alleges has happened along with the relief that they are requesting from the court.

Petitioner: The spouse who filed the divorce petition; same as "plaintiff".

Plaintiff: The spouse who filed the divorce petition; same as "petitioner".

Pre-Nuptial Agreement: A contract signed by the spouses before the marriage setting out each spouse's rights to property and assets in the case of a divorce.

Pre-Trial: A meeting, normally held in the judge's chambers, where attorneys present various issues to the judge and the judge provides guidance as to how (s)he would rule based upon the information presented.

Primary Caretaker: The person whom a child resides with most of the time.

Pro-se: Representing yourself in court without an attorney.

Process Server: A person authorized by law or by a court to formally deliver court documents to a defendant or respondent.

Prove Up:

Qualified Domestic Relations Order (QDRO): A court order giving one spouse a share of the other spouse's pension or retirement funds.

Reconciliation: Married people getting back together after the initiation of court proceedings.

Residency Requirement: The amount of time a spouse must live within a state or county before that spouse may file a divorce action in that state or county. In Illinois, this period is normally six (6) months.

Restricted (supervised) Visitation: If a parent poses a serious physical or emotional threat to his/her child(ren), he/she may receive what is called supervised or restricted visitation. Most of the time, the supervision or restriction will only last for a certain period of time, then the court will review the circumstances surrounding the visitation to determine whether the restrictions should continue.

Separate Property: Property or assets that belong to one spouse and usually won't be included in the property distribution or division such as inheritance that has been held separate and apart.

Serve or service: The process where a person is officially notified of a pending lawsuit.

Spousal Support: One person's payment to the other for financial support; the same as alimony or maintenance.

Spouse: Husband or wife.

Statute: The law that the state legislature or federal government enacted on a particular subject.

Subpoena: A form issued by the court requiring someone to appear in court and/or bring documents.

Temporary Support: Payments on a temporary basis made by one spouse to the other for financial support while the divorce action is pending.

Trial: When case is heard by the judge and all outstanding issues that remain unresolved are decided based upon the law derived from both statutes, case law and the facts of the case.

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.

Visitation: The period of time when the non-residential parent gets to visit with his or her child.