



Frequently Used Terms in Family Law by Jodi L. Wyman

One of the biggest challenges for clients starting a legal case is learning the legal language and its terms. As lawyers, we sometimes use these terms and fail to realize the client may not know what we mean.

Not understanding the terms can be a problem when clients want to research issues on their own, or when they try to tell their lawyer what they want. For example, parents often say to their lawyer that they will not agree to joint custody, but only because they do not understand what that term actually means.

Each area of law has its own lingo, but in family law some of the more frequently used terms are:

- *Joint Custody*- when each parent has equal input into decision-making
- *Sole Custody*- when one parent has sole authority for decision-making
- *Primary care and control* - in joint custody situations, the parent with whom the children primarily reside
- *Secondary periods of care and control* – the time the parent without primary care spends with the children
- *Access* - in sole custody situations, the periods of time the parent without sole custody spends with the children
- *Shared custody* - where each parent has care of the children forty to fifty percent of the time
- *Split custody*- where each parent has primary care and control of one or more children
- *Child Support Guidelines* - Federal tables which set out the amount of child support that should be paid based on the income of the payor parent
- *Section 7 expenses* – payments made to the custodial parent in addition to child support for daycare, health-related or extraordinary extracurricular expenses
- *Spousal support or alimony* - payments made by one spouse to the other spouse to help equalize the household standard of living
- *Petition* – the court document that starts a file and advises the court and the other spouse what issues require court assistance
- *Notice of Motion* - court document which advises what issues require a court hearing right away, usually on a temporary basis
- *Affidavit* - written evidence of one spouse used in support of a notice of motion
- *Motion* - court hearing whereby judge makes a

decision on an issue raised in the Notice of Motion, based on evidence filed in an Affidavit

residing in a conjugal relationship generally for a period of 3 years, or one year if they have a child together

- *Examination for Discovery* – a meeting between lawyers and clients where the lawyers get to question the other clients under oath about their evidence for court
 - *Pre-Trial Conference* – a meeting whereby each party and lawyer attends court, on informal basis, to discuss matters with a Judge prior to proceeding to a trial
 - *Trial* - court process whereby judges make a decision on issues raised in the Petition, based on evidence of witnesses who testify in person, at the trial
 - *Common-law spouses* - for purposes of custody, child support, spousal support and property, people, either of the same sex or opposite sex, who have been
- *Family Property Accounting* – the method in court by which the net family property of the spouses is equalized