



VAN TASSEL LAW

Commonly used terms in divorce

Annulment:

A legal document issued by the court that declares the marriage never existed. There are specific statutory terms and conditions for an annulment.

Collaborative process:

Where the parties and their respective attorney's agree to work together in a collaborative process to reach an amicable resolution in the matter.

Complaint:

The actual filing of a complaint for divorce which is required to obtain a divorce. This can be done after entering into a Settlement Agreement.

Divorce (Final Judgment of Divorce):

A decree signed by a judge that legally terminates a civil marriage (or domestic partnership).

Emancipation:

The time when parents no longer have a legal obligation to provide support for their children. New Jersey does not have a 'set' or 'standard' age for emancipation. Many factors go into a determination of emancipation such as the child's full-time education status, marriage or entry into the military.

Equitable distribution: The division of assets and debts. New Jersey, like New York, is an equitable distribution state as opposed to a community property state. The assets and liabilities/debts are to be divided "fairly" under criteria set forth in the equitable distribution statute.

Joint Legal Custody:

Both parents have input into the major life decisions for their children.

Litigation:

The process of divorce using the court system.

Mediation:

An alternate to litigation where the parties select a mediator, a trained neutral person, who works with the parties to reach a mutually acceptable agreement.

Memorandum of Understanding:

The document that is the result of a successful mediation and is used to complete a Settlement Agreement.

Motion/temporary support:

An interim order by the court or an agreement of the parties that is in place until a final determination is made.

Physical Custody:

Where the children spend their time on a day to day basis. There are many different varieties of physical custody which is also called Parenting Time.

Referral Attorney:

This is an attorney who will explain the law and how it applies to you while you are working with a mediator.

Restraining Order:

A court order issued in a case of domestic violence which prohibits contact between the parties and may or may not contain other prohibitions.

Retainer:

A signed agreement between a lawyer and client which outlines the term of the representation as well as lists the rights and responsibilities for the client. The client provides a financial retainer and the lawyer deducts their fee from the retainer. If the retainer is used up it has to be replenished. If at the end of the case the retainer has remaining funds those are returned to the client.

Settlement Agreement:

Document that resolves all of the issues in between the parties including issues related to the children. Once signed by the parties it becomes legally binding.

Spousal support/alimony:

The payment of money from one party to the other depending on the factors which include length of marriage and disparity in income.