**A**

* **Acknowledgment of Service.** A signed and notarized statement signed by a person acknowledging that he/she has received certain legal documents. This occurs in lieu of personal service of those documents by either a Deputy Sheriff or private process server.
* **Adoption.** A court action in which an adult assumes legal and other responsibilities for another, usually a minor.
* **Affidavit**. A written statement under oath.
* **Affidavit of Election.** In all custody cases in which a child has reached the age of fourteen (14) years, the child may select the parent with whom he/she desires to live by written statement. The child’s selection for purposes of custody will be presumptive unless the child’s selection is determined not to be in the best interests of the child.
* **Agreement**. A verbal or written resolution of disputed issues.
* **Alternative Dispute Resolution (“ADR”).** Methods of resolving legal disputes without going to trial, in a less adversarial manner, such as through arbitration or mediation.
* **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**. A formal written response to a complaint by the party being sued. Typically, an answer should be filed with the Clerk of Court and served upon the other party’s legal counsel within thirty (30) days of a person being served with a complaint.
* **Appeal**. The review by a higher court of a lower court’s decision. The State of Georgia has two (2) appellate courts to review the decisions of the trial courts: the Supreme Court of Georgia and the Court of Appeals of Georgia. There are different procedures and jurisdictional requirements for appeals to be heard by each of these appellate courts.
* **Arrearage.** Amount of support determined by the court or administrative process that was due and has not been paid.
* **Asset.** Everything of value owned by you or your spouse, including property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses or retirement plans. An asset may be marital or non-marital, but that distinction is ultimately for the Court to determine.

**B**

* **Bona Fide State of Separation.** In Georgia, the parties must be in a bona fide state of separation prior to the filing of a complaint for divorce and this separation is to be maintained throughout the case until the Final Divorce Decree is entered. Technically, a separation occurs when there is an intentional suspension of marital/sexual relations, by one or both spouses, but separation can occur under other circumstances as well. No minimum or specific period of time is required for the parties to be considered separated. Furthermore, no written filing must be made in order to signify the beginning of a separation. If the parties resume marital/sexual relations after filing the Complaint for Divorce and prior to the Final Divorce Decree being entered, the divorce action must be dismissed and re-filed after the parties resume separation.

**C**

* **Certified Copy.** A copy of an order or final judgment, certified by the clerk of the circuit court to be an authentic copy. These documents contain a special seal indicating the document has been certified.
* **Child Support.** Money that a non-custodial parent pays to the custodial parent for their child(ren)'s support.
* **Child Support Guidelines.** Guidelines established by statute that set forth the manner in which child support must be calculated, generally based on the income of the parents and the needs of the child(ren).
* **Child Support Worksheet.** A court form devised to calculate the amount of child support a party is to pay in accordance with the child support guidelines.
* **Cohabitation.** An arrangement where two unmarried people, who are typically romantically involved, live together.
* **Condonation.** When certain misconduct of a spouse is no longer a ground for divorce due to forgiveness of the act by the other spouse.
* **Contempt**. A deliberate or willful act of disobeying a court order where the offending party has the ability to comply with the court order (e.g., such as paying child support and/or alimony to the other party) but refuses to do so. Normally, a motion or petition for contempt would be filed with the court, and a hearing date scheduled, in order to compel the offending party to obey the original order. The Court, after listening to all relevant evidence, may hold the offending party in contempt and has the power to incarcerate the offending party.
* **Custody.** Having legal rights to your child. Custody can be either legal or physical.

**D**

* **Decree.** The court's written order or decision finalizing the case.
* **Defendant.** The person against whom legal papers are filed. The Defendant may also be referred to as the Respondent.
* **Deposition.** Part of the discovery or information-exchanging/gathering process of a legal proceeding in which the attorney for one party asks questions to the other party in-person. The answering party is legally required to truthfully respond to such questions. A transcript of the proceedings is prepared by a court reporter.
* **Discovery.** The information-exchanging/gathering process of a legal proceeding, including serving and answering interrogatories and requests for production of documents, serving subpoenas and taking depositions.
* **Dissolution.** Another word for divorce, which is the legal termination of a marriage relationship.
* **Divorce.** The legal termination of a marriage relationship.
* **Domestic Violence.** Physical abuse or threats of abuse occurring between family members or intimate partners.

**E**

* **Equitable Division.** In Georgia, marital property is to be divided in an equitable manner, not necessarily an equal manner. An equitable division of property is an allocation of assets and debts between the parties that is fair and reasonable based on the circumstances of the parties’ case.
* **Ex Parte.** A Latin term meaning “on one side only.” This term is used to describe communications between one party to a case (or the attorney for one party) and the judge. These communications are strictly prohibited except in emergency situations or temporary protective order cases. It can also refer to an emergency order issued by the court after hearing from only one of the parties in the case - as happens in temporary protective order cases.
* **Ex Parte Order.** An order issued regarding an urgent matter, often concerning domestic violence or child abuse and generally in an emergency situation, granted on the request of and for the benefit of one party only. Ex parte matters are usually temporary orders pending a formal hearing with both parties of the case present.
* **Expert Witness.** A professional, qualified witness who is used to help a judge reach a decision. Experts can include appraisers, counselors, evaluators, and accountants.

**F**

* **Filing Fee.** An amount of money, set by law, that the plaintiff must pay when filing a case. If you cannot afford to pay the fee you must file an Application for Determination of Civil Indigent Status to request that the clerk to file your case without payment of the fee.
* **Final Hearing.** Trial in your case, which may be uncontested or contested and will include the presentation of evidence and likely witness testimony.
* **Final Judgment.**  A written document signed by a judge and recorded in the clerk of court's office that contains the judge's final decision in your case.
* **Financial Affidavit.** A sworn statement that contains information regarding your income, expenses, assets and liabilities.
* **Frozen Embryo Adoption**. A process which allows hopeful parents to adopt an embryo that was leftover and donated by a couple who has been through in vitro fertilization. Through this form of adoption, an adoptive mother can carry the pregnancy herself and deliver her genetically unrelated baby.

**G**

* **Garnishment.** A legal proceeding filed with the court to recover monies owed by a party, either by collecting a portion of that party’s wages or by attaching money held by a third party (e.g., a bank or employer).
* **Grounds for Divorce.** The legal basis for a divorce. The law sets out certain specific reasons for a divorce, which have to be proven before the court can grant a divorce.
* **Guardian ad Litem.** A neutral person, typically a family law attorney, who is appointed by the court to evaluate or investigate your child(ren)'s circumstances. Guardians typically draft a report that is submitted to the Court indicating what the Guardian believes is in the best interests of your child(ren). Guardians do not "work for" either party, but are an arm of the Court. A guardian will interview the parties, visit their homes, speak with witnesses for each party and may visit the child(ren)'s school(s) and speak with teachers, or use other resources to make their recommendation.

**H**

* **Hearing.** A legal proceeding before a judge or designated officer (general magistrate or judicial officer) on a motion.

**I**

* **Income Deduction Orders.** A court order directing an employer to withhold court-ordered alimony or child support payments be withheld from the wages of the party being ordered to pay such alimony or child support.
* **Injunction.** A court order preventing someone from doing a particular act that is likely to cause physical or mental injury or property loss of another individual.
* **Interrogatories.** Written questions served by one party that must be answered in writing by the other party as part of the discovery process.

**J**

* **Joint Legal Custody.** The sharing, by both parents, of the right to make important decisions about their child(ren)'s welfare.
* **Joint Physical Custody.** When both parents have equal parenting time with their child(ren).
* **Judge.** An elected official who is responsible for deciding matters on which the parties in your case are unable to agree. A judge is a neutral person who is responsible for ensuring that a case is resolved in a manner which is fair, equitable and legal. A judge is prohibited by law from giving parties any legal advice or recommendations.
* **Judgment.** A Court’s decision.
* **Jurisdiction.** A Court’s authority over someone (personal jurisdiction) and/or to hear certain types of cases (subject matter jurisdiction) in order to make a decision.

**L**

* **Legal Custody.** The right to make important decisions about the raising of your child(ren) on issues such as education, extracurricular activities, health care, religious upbringing, etc.
* **Legitimation.** A legal action brought by the biological father of a child born out of wedlock who wishes to establish himself as a legal parent of his child(ren), in order to be granted certain legal rights (e.g., custody, parenting time, rights of inheritance, child’s last name, etc.).
* **Liabilities.** Debts owed by you or your spouse, including mortgages, credit cards, student loans or car loans. A liability may be marital or non-marital, but that distinction is ultimately for the Court to determine.
* **Lump Sum Alimony.** Money that is ordered to be paid by one spouse to another in a limited number of payments, often a single payment.

**M**

* **Marital Asset.** Generally, all property (assets and debts) acquired during the marriage.
* **Marital Liability.** Generally, any debt that you and/or your spouse incurred during the marriage. A debt may only be determined to be non-marital by agreement of the parties or determination of the judge.
* **Mediation.** A form of alternative dispute resolution (“ADR”) for resolving legal disputes without going to trial, by the use of a trained and impartial third party who attempts to bring the parties together in mutual agreement.
* **Mediator.** A person who is trained and certified to assist parties in reaching an agreement before going to court. Mediators do not take either party's side and are not allowed to give legal advice. They are only responsible for helping the parties reach an agreement and putting that agreement into writing. In many counties, mediation is required before going to court.
* **Modification.** A change made by the court in an order or final judgment.
* **Morality Clause.** A provision in divorce agreements prohibiting a parent from engaging in certain behavior in their private life, such as cohabiting or having overnight guests of the opposite sex in the presence of the child(ren).
* **Motion.** A request to the Court.

**N**

* **No-Fault Divorce.** A civil case in which parties may resolve their dispute without a formal finding of error or fault.
* **Non-Custodial Parent.** The parent who does not have physical custody of the child(ren).
* **Non-Marital Property.** Generally, property owned by either spouse prior to marriage or acquired by them individually, such as by gift or inheritance, during the marriage.
* **Notice to Produce.** This is an evidentiary procedure, and is a document served by one party requiring another party to bring requested documents to a future hearing or trial.

**O**

* **Order.** A document setting forth a judge’s decision on a matter brought before the court.

**P**

* **Parenting Time.** The time that a noncustodial parent spends with his or her child(ren).
* **Parenting Plan Order.** An order signed by the judge which sets forth the physical and legal custodial arrangement as well as the parenting times for each of the parties. Typically, it will also include a division of holidays and school breaks, means of communicating with your child(ren) when you are not with them and other standard provisions.
* **Paternity Suit.** A lawsuit to determine the father of a child whose parents were not married when the child was born.
* **Physical Custody.** Where a child resides on a day-to-day basis. When a parent has “physical custody” of the child(ren), this means the child(ren) is/are physically in that parent’s care.
* **Petitioner.** Often, the person who initiates divorce or marriage dissolution proceedings, also called the Plaintiff.
* **Plaintiff.** The person who initiates legal proceedings, sometimes called the Petitioner.
* **Postnuptial Agreement (a/k/a Reconciliation Agreement).** An agreement entered into during the marriage that sets forth each party's financial rights and responsibilities should the marriage terminate by death and/or divorce.
* **Prenuptial Agreement (a/k/a Antenuptial Agreement).** An agreement entered into before marriage that sets forth each party's financial rights and responsibilities should the marriage terminate by death and/or divorce.
* **Privilege.** Communications made by certain persons within a protected relationship which the law recognizes as so private and/or confidential that they need not be revealed. These include, but are not limited to, attorney-client and psychologist/therapist/counselor-patient privileges. Another common privilege is set forth in the United States Constitution and the Constitution of the State of Georgia concerning the privilege against self-incrimination.
* **Process Server.** Person appointed to serve summons, subpoenas or other process on a party.
* **Pro Se.** Representing yourself in court or in a court case without an attorney.

**Q**

* **Qualified Domestic Relations Order (“QDRO”).** Pronounced "kwah-dro," an order issued by the court to divide retirement benefits, typically used in a divorce case.

**R**

* **Rehabilitative Alimony.**  Spousal support ordered to be paid for a limited period of time to allow one of the parties an opportunity to obtain employment, training and/or education.
* **Relative Adoption.** Any adoption of a child by his or her grandparent, great grandparent, aunt, uncle, great aunt, great uncle or sibling.
* **Request for Production of Documents.** A discovery device consisting of specific requests for documents from one party to the other or from one party to a third party. Such requests may include tax returns, bank records, and e-mails between parties, but are almost limitless, so long as they involve documentation reasonably calculated to lead to the discovery of admissible evidence in a case.
* **Residency Requirement for Divorce.** In Georgia, in order for a court to obtain jurisdiction over a marriage to grant a divorce, the plaintiff must have been a resident of the State of Georgia for six (6) months prior to filing the action for divorce. If the plaintiff is not a resident of the State of Georgia, then the defendant must have been a resident of the State of Georgia for six (6) months before the action for divorce is filed.
* **Respondent.** The person who answers or responds to a petition/complaint in a legal proceeding, sometimes also referred to as the defendant.
* **Restraining Order.** An order issued by the court requiring the subject of the order to refrain from doing something, often issued in conjunction with domestic violence cases.
* **Right of First Refusal.** A provision placed in child custody agreements requiring one parent to offer the other parent the opportunity to look after their children before contacting a babysitter or other family member to take care of the child.
* **Rule Nisi.** An order that informs both parties in a case that a hearing will be held on a specific date and time in order for the court to make a ruling on a specific issue(s) in the case (sometimes, also referred to as a “show cause” hearing).

**S**

* **Separate Maintenance.** This is a lawsuit that will govern division of property and financial obligations during a couple’s separation.Typically, such lawsuits arise when the parties have an ideological objection to divorce or who do not meet the residency requirement.
* **Service.** Providing a copy of the papers filed in the case to the other party or the other party’s counsel.
* **Settlement Agreement.** In a divorce, legal separation or annulment of marriage, a final judgment will often include a settlement agreement when the parties settle the case without court intervention. A settlement agreement is a written contract between divorcing parties that contains detailed legal wording about how the issues in the case will be handled on a final basis.
* **Settlement Conference.** A meeting at which the parties and their lawyers attempt to settle the case before trial.
* **Sole Legal Custody.** When one parent has full legal responsibility for the child(ren), and makes all important decisions for the child(ren). However, the other parent may have parenting time or access to records of the child(ren).
* **Split Custody.** A form of custody where one or more of the parties' children are in the custody of one parent and the remaining child(ren) of the parties are in the custody of the other parent.
* **Spousal Support** **or Maintenance.** Financial payments made by one spouse to help support the other spouse or former spouse during separation or following divorce. Also called alimony.
* **Stepparent Adoption.** Stepparent adoption is the process of becoming a legal parent for a spouse’s child(ren). By adopting a stepchild, the stepparent’s relationship with the child(ren) becomes legally equal to the relationship between the child(ren) and his or her biological parent.
* **Stipulation.** An agreement entered into by the divorcing spouses or their counsel that settles certain issues between them and is often entered into a Court's order or judgment.
* **Subpoena.** A form issued by the court requiring someone to appear in court and/or deliver documents.
* **Summons.** A cover sheet signed by the Clerk of Court and placed on a Complaint notifying the person receiving the document that he/she must file an answer within thirty (30) days of receiving the document or suffer certain legal consequences.
* **Supervised Parenting Time.** This option is used when a child’s safety and well-being would be best protected by having a supervisor present during a party’s parenting time with the child.
* **Surrogacy Contract.** A legal document that sets expectations and responsibilities for the surrogacy journey moving forward. It must be drafted by two attorneys representing each separate party to ensure their rights and surrogacy goals are properly addressed.

**T**

* **Temporary Protective Order (“TPO'“).** An order issued by a judge as a result of the filing of a family violence action or stalking action. Though the terms of such orders vary to some degree, they will typically include a prohibition from contacting the other party by all means (e.g., in person, by telephone, by e-mail, by social media, through a third person, from coming around within a certain distance of the person seeking the TPO, etc.). A violation of such order can result in a charge of aggravated stalking, which is a felony.
* **Transgender Birth Certificates.** If you have undergone surgical transformation, you can obtain a new birth certificate reflecting your accurate gender.

**U**

* **Uncontested Divorce.** When there are no issues left for the court to decide because the parties have amicably resolved all issues related to their case.

**V**

* **Venue.** The county where the case is heard.