LAYTONS
SOLICITORS

# Glossary

**There are certain terms used within matrimonial law with which you may not be familiar. We therefore define some of these terms below.**

### Affidavit

This is a statement in writing, sworn on oath before a person who is authorised to administer oaths, such as solicitors, notaries and certain court personnel.

### Ancillary Relief

This is the term used by the Court to describe financial proceedings and orders which can be made by the Court on divorce.

### Barrister

An advocate called to the Bar, who represents clients in a Court setting. They are instructed by solicitors and are also known as Counsel.

### Child Support Agency ("CSA")

The Child Support Agency is the governing body which deals with the issue of child maintenance for families where both parents are resident in England and Wales including the level of maintenance to be paid and enforcement of non payment.

### Clean Break

This is a term used in a Final Order when the spouses are unable to make further claims against the other in respect of capital income or pension.

### Consent Order

This is an Order setting out a formal agreement between parties reached by consent and can be made in any family proceedings.

### Contact

This refers to the time a child spends with a parent with whom they do not live and was previously known as access. It can also refer to time spent with a step or grandparent.

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### Co-Respondent

Within divorce proceedings a Co-Respondent is the person with whom the Respondent has committed adultery. It is generally not necessary for a Co-Respondent to be named within divorce proceedings based upon adultery.

### Decree Absolute

This is the Final Order of the Court within divorce proceedings which brings the marriage to an end.

### Decree Nisi

This is the penultimate order of the divorce proceedings prior to Decree Absolute, and is a provisional divorce order indicating that the Court is satisfied that the ground for divorce has been established.

### FDA

First Directions Appointment in respect of financial issues. At this hearing directions will be given by the Judge for valuations of property, any family business, and provide for questionnaires to be answered.

### FDR

Financial Dispute Resolution Appointment is usually the second hearing in respect of financial issues. This is a negotiating hearing with all parties and the Judge attempting to reach a conclusion.

### Injunction

This is an order made by the Court preventing or requiring action. Applications for such orders are usually made in emergency situations. They can be made in respect of property or to protect a person.

### Maintenance

This term refers to regular payments made by one spouse or parent to the other, either in respect of the income needs of the spouse or a child, and which are usually paid monthly. They can be paid for a fixed period of time or indefinitely on what is known as a “joint lives basis”. If spousal maintenance (not child maintenance) is paid on a joint lives basis it will automatically cease upon the remarriage of the person receiving the maintenance or on the death of either party.

### Maintenance Pending Suit / Interim Maintenance

This is an income payment made whilst proceedings are ongoing and until such time as a financial settlement has been achieved.

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### Parental Responsibility

This is a term used referring to the rights, duties and responsibilities a parent has in relation to a child. In certain special circumstances someone other than the parent may have Parental Responsibility for a child.

### Periodical Payments

This is the term sometimes used for what has been described above as “Maintenance”.

### Petitioner

The person who applies for a divorce or judicial separation.

### Property Adjustment Order

An order that a spouse should transfer property to the other.

### Residence Order

An order which determines with who a child should live.

### Respondent

Is the person who receives the divorce or judicial separation proceedings commenced by the Petitioner.

### Statement of Arrangements

This is the form which accompanies the Divorce Petition setting out the arrangements for the child(ren).

### Statement of Information

This is a form which is to be completed by the husband and wife within divorce proceedings setting out their respective financial positions, which will accompany the Consent Order reflecting the terms of the financial settlement to enable the Judge to approve the agreement.

**If you have any queries whatsoever, please do feel free to contact us: christine.barker@laytons.com**

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