



DIVORCE - A Glossary of Terms

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Acknowledgement of Service

A form completed and filed at court by the Respondent to divorce proceedings following the service of the Petition on him.

Act in Person

To represent oneself in legal proceedings rather than instructing a solicitor.

Affidavit

A document the contents of which have been sworn or affirmed to be true.

Affidavit in Support of the Petition

A form sworn or affirmed by the Petitioner in divorce proceedings, after the Respondent has filed an Acknowledgement of Service, and sent to the court with the Application for Directions for Trial.

Affirm

To confirm in front of an independent solicitor or a court official that the contents of a document are true. A non-religious alternative to swearing.

Ancillary Relief

The relief granted by the court following the determination of financial issues between spouses on divorce or civil partners on dissolution.

Appeal

A review of a judge's decision by a more senior judge.

Applicant

The party to the marriage who applies for ancillary relief.

Application for Directions for Trial

The application made by the Petitioner in divorce proceedings requesting that a judge certifies that the Petitioner is entitled to a divorce.

Assets

Assets covers all types of property, for example, houses, money in bank accounts, personal belongings such as paintings or jewellery, and money owed to you. It covers property inside and outside the UK, and anything which you have a right to, even if it is not legally in your name.

Barrister

A type of lawyer who specialises in advocacy and providing detailed legal advice, often at a meeting known as a conference with counsel.

Certificate of Entitlement to a Decree

A certification by a judge in divorce proceedings that the Petitioner is entitled to a decree of divorce.

Chronology

A list of the key events in relation to the parties' marriage and financial affairs which is produced in ancillary relief proceedings by both parties prior to the First Appointment.

Clean Break

An order of the court in ancillary relief proceedings which provides for there to be no ongoing financial relationship between the parties.

Collaborative Law

A process whereby the parties to a divorce agree to reach settlement in relation to financial matters without issuing court proceedings. Matters proceed by way of a series of meetings at which the parties and their legal representatives are present. The parties must agree at the outset that if settlement is not reached through the collaborative process then they cannot instruct the same solicitor as represents them in the collaborative process for the purpose of ancillary relief proceedings.

Conditional Order

A preliminary decree by the court in proceedings for the dissolution of a civil partnership. It is the equivalent of the Decree Nisi in divorce proceedings.

Conference with Counsel

A meeting with a barrister, usually attended by the client, his solicitor, and the barrister, at which the barrister will give detailed legal advice.

Consent Order

An order of the court the terms of which have been agreed in advance between the parties.

Costs Order

An order of the court that one party pay the legal fees, or a proportion of the legal fees, which the other party to the proceedings has incurred in relation to the legal proceedings, or a particular part of the proceedings.

Counsel

A way of referring to a barrister.

Decree Absolute

The final decree in divorce proceedings which brings the marriage to an end.

Decree Nisi

A preliminary decree by the court in divorce proceedings.

Defended Divorce

Divorce proceedings in which the Petitioner's application for a divorce has been formally opposed by the Respondent.

Directions Order

An order of the court instructing the parties to take particular steps in the proceedings and usually listing the next hearing.

Disclosure

The process of providing full and frank information to the other party to proceedings.

Dissolution

The ending of a civil partnership by court decree.

Dissolution Order

The final decree in proceedings for the dissolution of a civil partnership which brings the civil partnership to an end. It is equivalent to the Decree Absolute in divorce proceedings.

Divorce

The ending of a marriage by court decree.

Exchange

Where the parties to legal proceedings send each other documents at the same time.

FDR

The Financial Dispute Resolution Appointment.

File

To send a document to the court to be placed on the court's file.

Final Hearing

The court hearing in ancillary relief proceedings at which a judge will hear the parties' evidence and then make a binding decision as to the future financial arrangements between them.

Final Order

The order of the court in ancillary relief proceedings which sets out the future financial arrangements between the parties.

Financial Disclosure

The disclosure of information by the parties to ancillary relief proceedings of all matters relating to their financial position.

Financial Dispute Resolution Appointment

A hearing in ancillary relief proceedings which proceeds as a type of mediation, with a judge acting as the mediator. Everything said at the hearing is without prejudice.

First Appointment

The first court hearing in ancillary relief proceedings. A short hearing where a judge gives directions as to the next steps to be taken by each of the parties.

FMH

An abbreviation for “former matrimonial home”.

Form A

The form on which an application for ancillary relief is made.

Form E

The form which both parties to ancillary relief proceedings must complete and swear or affirm in order to give financial disclosure.

Form G

The form on which a party states whether they are in a position to use the First Appointment as a Financial Dispute Resolution Appointment.

Former Matrimonial Home

The property in which the parties to divorce or ancillary relief proceedings last lived together as husband and wife.

Hildebrand Documents

Documents discovered by one party to ancillary relief proceedings which belong to the other party to those proceedings. There is an obligation to reveal to the other party that the documents have been found, and to return them. It is permissible to retain copies of the documents, and rely on them in the ancillary relief proceedings.

Interim maintenance

Maintenance paid by one party to ancillary relief proceedings to the other party to the proceedings pending a final order in the proceedings.

Lump Sum Order

An order that one party to ancillary relief proceedings pay a capital sum to the other party, either in one payment or by instalments.

Maintenance

Sums paid by one party to ancillary relief proceedings to the other for the purpose of meeting the day-to-day living costs of the receiving party.

Maintenance Pending Suit

Maintenance paid by one party to ancillary relief proceedings to the other pending decree absolute, at which point any final order will come into effect.

Mediation

A process whereby a trained impartial third party, who has no authority to impose decisions on the parties, tries to assist parties to a dispute in reaching an agreement without the need for court proceedings.

Open Correspondence

Where correspondence between parties to current or future proceedings is stated to be “open”, or not stated to be “without prejudice”, both parties are able to refer to it and rely

on it before the judge at the final hearing in the proceedings.

Order for Sale

An order in ancillary relief proceedings requiring the sale of property belonging to either party or both parties to the proceedings.

Pension Attachment Order

An order in ancillary relief proceedings under which, when a pension belonging to either of the parties commences payment, payments will be made out of that pension not only to the party whose pension it is but also directly to the other party to the proceedings. Such orders are now rarely made.

Pension Sharing Order

An order in ancillary relief proceedings under which a proportion of the value of a pension belonging to one of the party's is transferred into a pension arrangement for the benefit of other party. The two pension arrangements then operate independently of each other.

Periodical Payments Order

An order in ancillary relief proceedings under which maintenance by way of regular payments is paid by one party to the proceedings to the other.

Petition

The application for a divorce.

Petitioner

The party who makes the application for a divorce.

Property Adjustment Order

An order providing that property be transferred from the name of one party into the name of the other party, or from the names of both parties into the name of one of the parties.

Questionnaire

A set of questions and/or requests in relation to the other party's financial disclosure, produced by each party to ancillary relief proceedings prior to the First Appointment.

Reserve judgment

The decision of a judge not to announce his decision at the end of a Final Hearing, but to deliver it at some later point.

Respondent

The party in divorce or dissolution proceedings who did not make the application for divorce or dissolution. Also the party to ancillary relief proceedings who did not make the application for ancillary relief. It is possible for a party to be the Respondent in the divorce or dissolution proceedings but for the other party to be the Respondent in the ancillary relief proceedings.

Section 25 factors

The factors which the court considers when determining applications for ancillary relief.

Secured periodical payments

Periodical payments which are secured against an asset belonging to the party obliged to make the payments.

Serve

To send a document to the other party to proceedings in accordance with a court order.

Statement of Arrangements for Children

A form which the Petitioner must complete in divorce proceedings where either party to the proceedings has children who are under 16 or under 18 and in full time education, setting out the proposed arrangements for the children.

Statement of Issues

A list of the relevant issues on which the parties do not agree, which is produced in ancillary relief proceedings by both parties prior to the First Appointment.

Swear

To swear on a religious book that the contents of a document are true.

Term Maintenance

An order for periodical payments which is limited in duration to a certain period of time.

Without Prejudice Correspondence

When correspondence between parties to current or future proceedings is stated to be "without prejudice" the parties are unable to refer to it or rely on it before a judge at the final hearing.

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