



## Family Law

# Jargon Buster

### Divorce Terms:

#### **Petitioner**

The person who instigates the divorce by way of a divorce petition.

#### **Respondent**

The other spouse who receives the divorce petition.

#### **Co-Respondent**

The 3rd party in an adultery divorce petition.

#### **Defended petition**

Where one party objects to the contents of the divorce petition.

#### **Greffier's certificate**

The stage prior to decree nisi.

#### **Decree Nisi**

The 1st stage of the divorce process.

#### **Decree Absolute**

The 2nd and final stage of the divorce process that ends the marriage.

#### **Judicial Separation**

Similar to a divorce but it does not end the marriage. Can be useful in the first 3 years of marriage or where there is a religious objection to divorce.

### Finance Terms:

#### **Pre-Nuptial Agreement**

An agreement entered into prior to the marriage dealing with the division of assets if a divorce occurs in the future.

#### **Post-Nuptial Agreement**

An agreement as to the division of assets that is made during the marriage.

#### **Separation Agreement**

An agreement between the spouses dealing with the financial assets prior to divorce proceedings.

#### **Ancillary Relief**

Financial claims made to the court within divorce proceedings. Often also called financial relief.

#### **Financial Disclosure**

Where the parties need to disclose all their assets and provide all the necessary financial evidence.

#### **Affidavit of Means**

The document that is completed showing all the assets, liabilities and needs of the parties and any children.

#### **Financial Questionnaire**

A document where questions are asked about the disclosure made by each party.

#### **Form 16 Summons**

The application to the court for financial relief.

#### **MPS (Maintenance Pending Suit)**

Preliminary hearing before the court to deal with immediate financial issues.

#### **PDH (Preliminary Directions Hearing)**

A short court hearing where the court will set a timetable for financial disclosure.

#### **CRH (Case Review Hearing)**

A hearing before the court of approximately 30 mins where the court will check the progress in the case and urge ADR (see below).

#### **Meshor Order**

Where the property remains in joint names until a 'trigger' date such as the youngest child leaving education.

#### **Spousal maintenance**

A claim by one party against the other for a regular payment to cover her/his needs as distinct from child maintenance (see below).

#### **Schedule 1 application**

An application made for maintenance/lump sums to maintain the child where the parties are not married.

#### **Consent Order**

The final financial order made by the court where the parties have reached an agreement as to the financial relief.

#### **Form M**

The form that goes with a consent order to the court giving brief details of the financial position of the parties.

#### **Undertakings**

A binding promise to the court to do or not do something.

## Children:

### Parental Responsibility (PR)

The ability to be involved in the big picture decisions about children.

### Residence

The parent who cares for the children on a day to day basis has residence.

### Joint or shared residence

Where the children live with both parents often on an equal basis ie the children have 2 homes.

### Contact

The parent who does not have residence will have contact which can take various forms.

### Child Maintenance

The amount that is paid for the needs of children by the non-resident parent.

### Public law children proceedings

Where the Minister issues proceedings in relation to the children where there are concerns over the care of the children.

### Removal from the jurisdiction

Where one parent applies to the court for permission to take the children to live outside Jersey on a permanent basis.

### Habitual Residence

The jurisdiction that the child lives in – the place that is considered to be their home.

### Hague Convention

The list of States who have signed the international convention which means that children can be returned from that state to Jersey and visa versa.

### Adoption

A process whereby a person assumes the parenting of another, usually a child, and, in so doing, permanently transfers all rights and responsibilities from the biological parent or parents.

### Article 10 orders

Orders made by the court regarding PR, residence and contact.

### Prohibited Steps Order

An order that stops a parent taking certain steps e.g. taking the child away from Jersey.

### Specific Issue Order

An order that resolves a particular issue such as what school a child should attend.

## Injunctions:

(Family law only)

### Non-molestation injunction

An order of the court for one party (or their agents) to stay away from the other party.

### Ouster Injunction

An order of the court removing one party from their home.

### Non-Removal Injunction

An order of the court stopping children being removed from Jersey.

### ADR (Alternative Dispute Resolution)

This is an alternative to court based solutions to any of the issues above. It can take a number forms:

#### Mediation

Where an independent 3rd person attempts to negotiate agreement.

#### Private FDR

Where an independent lawyer attempts to resolve matters and both parties have their own lawyers present.

#### Arbitration

Where an independent 3rd person (a lawyer normally from outside Jersey) will make a binding decision with regard to the issues.

#### Collaborative law

Where suitably qualified lawyers assist the parties to reach agreement on the issues outside the court process through a series of 4 way meetings (both parties and their lawyers).

## General:

### Family Registrar

The judges in the Family court.

### JFCAS

The Jersey Family Court Advisory Service. In cases involving children issues very often a JFCAS officer will be appointed to consider child welfare issues.

### Guardian

A person appointed by the court to consider the welfare of the children in difficult cases.

For expert legal advice or more information on any of our legal services, please contact us:

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