

# Legal Glossary

**Abduction** – the wrongful removal of a child from the parent with care (parental responsibility) without their consent.

**Adjournment** – where a court hearing is postponed to another day.

**Applicant** – the person that makes an application.

**Arbitration** – an alternative way a dispute can be resolved without having to go to court. A third party, known as the arbitrator, looks at both sides of the dispute and makes a binding decision as to how the dispute should be resolved.

**Assets** – these are things of value that you own, for example, property or jewellery.

**Beneficiary** – someone who is entitled to a benefit, for example, under a will or trust. To say someone has a beneficial interest means they have a benefit of a certain asset.

**CAFCASS** – Children and Family Court Advisory Support Service. A government agency concerned with interests of children in family proceedings and helps to advise the Court on what they think is in a child's best interest.

**Capital Gain** – the profit obtained when an asset is sold or disposed of.

**Chattels** – personal belongings that can be moved from one place to another.

**Child Arrangements Order** – This type of order regulates whom a child is to live with and who can have contact with a child. The order replaces 'contact' and 'residence' orders.

**Clean Break** – a financial order whereby a husband and wife settle their finances, preventing either party from bringing a future financial claim against the other.

**Collaborative Law** – an alternative dispute resolution process where the parties work together in a series of meetings with their solicitors to reach agreement without court involvement.

**Common Law Marriage** – an expression used for where a couple lives together without being married, but their relationship does not have legal recognition.

**Contact Centre** – a neutral place to facilitate children seeing their parents.

**Contempt of Court** – a deliberate and wilful breach of a court order or judgment, punishable by a fine, imprisonment or both.

**Co-respondent** – a third party in divorce proceedings who is the person with whom the Respondent has committed adultery.

**Counsel** – a barrister. This person usually represents a party in Court.

**Dissolution** – the legal ending of a civil partnership by Court order.

## RAYDEN SOLICITORS

[www.raydensolicitors.co.uk](http://www.raydensolicitors.co.uk)

ST ALBANS: T 01727 734260 | The Limes, 32-34 Upper Marlborough Road, St Albans, Herts AL1 3UU  
BERKHAMSTED: T 01442 819144 | 1 Claridge Court, Lower Kings Road, Berkhamsted, Herts HP4 2AE  
E [info@raydensolicitors.co.uk](mailto:info@raydensolicitors.co.uk)

*The information and opinions provided here are for information purposes only. They are not intended to constitute legal or other professional advice, and should not be relied on or treated as a substitute for specific advice relevant to particular or individual circumstances.*

**Decree Absolute** – the final and conclusive divorce order which ends the marriage. This follows the condition made in the Decree Nisi being met.

**Decree Nisi** – the interim and provisional divorce order given by the court.

**Divorce** – the legal ending of a marriage by Court order.

**FDA** – First Directions Appointment (FDA) is the first hearing in the financial remedy proceedings. This hearing defines the issues of a case and, where possible, helps parties reach a settlement in order to save costs. If settlement is not reached, directions are made in relation to the future conduct of the case.

**FDR** – Financial Dispute Resolution Hearing (FDR) is the second hearing in the financial remedy proceedings. At this hearing both parties attempt to negotiate a financial settlement before a Judge and with the Judge's assistance.

**FHDRA** – First Hearing and Dispute Resolution Appointment (FHDRA) is the first court hearing after a Children Act application has been made in private family law. The hearing defines the issues of a case and where possible, reaches a decision.

**Financial Order** – this sets out financial decisions (either by the parties by consent or imposed by a judge) with regard to the family home, assets and pension.

**Financial Statement** – this is also known as a Form E. The form discloses basic information regarding each party's assets and financial circumstances.

**FMH** – former matrimonial home i.e. the home last occupied by the couple together

**Gillick Competent** – a term used to describe a child who is of sufficient age, maturity and understanding to give the Court their views, and able to act independently of any adult. Typically a child over the age of 13/14 years.

**Guardian** – a person appointed to look after the interests of a child.

**Habitual Residence** – where you currently live. This will usually determine in which jurisdiction the proceedings are brought.

**Injunction** – a type of order that prevents a person from taking a particular step or action.

**Liability** – debt that a person or organisation owes to another and may put that individual at a disadvantage.

**Litigant in Person** – someone who represents themselves in court.

**Lump Sum Order** – can be ordered by the Court during financial proceedings and is an order that one party pay the other party a fixed sum of money, either in one payment or instalments.

**Maintenance Pending Suit** – a party may apply for interim periodical payments during financial proceedings, which the Court may order before the conclusion of the proceedings and pending divorce.

# RAYDEN SOLICITORS

[www.raydensolicitors.co.uk](http://www.raydensolicitors.co.uk)

ST ALBANS: T 01727 734260 | The Limes, 32-34 Upper Marlborough Road, St Albans, Herts AL1 3UU  
BERKHAMSTED: T 01442 819144 | 1 Claridge Court, Lower Kings Road, Berkhamsted, Herts HP4 2AE  
E [info@raydensolicitors.co.uk](mailto:info@raydensolicitors.co.uk)

*The information and opinions provided here are for information purposes only. They are not intended to constitute legal or other professional advice, and should not be relied on or treated as a substitute for specific advice relevant to particular or individual circumstances.*

**Matrimonial Assets** – these refer to any assets which have been acquired during a marriage through the joint efforts of a married couple, for example, savings. The property that a married couple reside in is referred to as the matrimonial home.

**Mediation** – an alternative way to resolve a dispute, similar to arbitration, without going to Court.

**Mesher Order** – a type of order made during divorce proceedings that allows the postponement of the sale of the matrimonial home upon specific triggers, for example youngest child reaching 18 years old. The order can also provide how the net proceeds of the sale of the matrimonial home are to be divided.

**Non-molestation Order** – a type of order made against a partner or spouse which prevents an individual from using or threatening violence or going within a specified distance of the other person. Breach of such an order can lead to a fine or imprisonment for contempt of court and is a criminal offence.

**Occupation Order** – a type of order relating to the occupation of a home and can allow a person back into a home or restrict a person's access.

**Paralegal** – someone who supports lawyers in their work.

**Parental Responsibility** – means all rights, duties, powers, responsibilities and authority in which legally a parent has in relation to a child. More than one person can have parental responsibility for a child.

**Pension Sharing Order** – an order which splits the pension between parties before retirement.

**Periodical Payments** – regular payments of maintenance to a spouse (also known as spousal maintenance).

**Post-nuptial Agreement** – a written legal agreement entered into during the course of a marriage.

**Pre-nuptial Agreement** – a written legal agreement entered into before a marriage to regulate financial affairs should the parties divorce.

**Prima Facie** – a term used to describe something that appears on the face of it to be true.

**Pro Bono** – a term for professional work carried out without payment or at a reduced fee.

**Psychological Parent** – a person to whom a child considers to be their parent, even if they are not biologically related.

**Reconciliation** – where a separated couple return to family cohabitation.

**Round Table Meeting** – a meeting whereby all parties and their solicitors sit down together to discuss and negotiate their case and issues, in an attempt to reach a settlement without having to go to court.

**Section 25 Factors** – this is a list of considerations under s.25 of the Matrimonial Causes Act 1973 that a court will take into account with regards to making a financial order between Spouses.

# RAYDEN SOLICITORS

[www.raydensolicitors.co.uk](http://www.raydensolicitors.co.uk)

ST ALBANS: T 01727 734260 | The Limes, 32-34 Upper Marlborough Road, St Albans, Herts AL1 3UU  
BERKHAMSTED: T 01442 819144 | 1 Claridge Court, Lower Kings Road, Berkhamsted, Herts HP4 2AE  
E [info@raydensolicitors.co.uk](mailto:info@raydensolicitors.co.uk)

*The information and opinions provided here are for information purposes only. They are not intended to constitute legal or other professional advice, and should not be relied on or treated as a substitute for specific advice relevant to particular or individual circumstances.*

**TOLATA** –the Trust of Land and Appointment of Trustees Act, which governs ownership of property between cohabitants (including where a property is not held in joint names).

**Without Prejudice** - correspondence or a document marked as “without prejudice” generally cannot be referred to in Court. However, there are some exceptions to this. Often used when making an offer of settlement.

**Welfare Checklist** – this is a list of considerations under s.3 of the Children Act 1989 that a court will take into account with regards to making a child arrangements order.

# RAYDEN SOLICITORS

[www.raydensolicitors.co.uk](http://www.raydensolicitors.co.uk)

ST ALBANS: T 01727 734260 | The Limes, 32-34 Upper Marlborough Road, St Albans, Herts AL1 3UU  
BERKHAMSTED: T 01442 819144 | 1 Claridge Court, Lower Kings Road, Berkhamsted, Herts HP4 2AE  
E [info@raydensolicitors.co.uk](mailto:info@raydensolicitors.co.uk)

*The information and opinions provided here are for information purposes only. They are not intended to constitute legal or other professional advice, and should not be relied on or treated as a substitute for specific advice relevant to particular or individual circumstances.*