

Common Courthouse Terms

- **Absolute Divorce:** The legal ending of a marriage. Once granted, both parties can remarry. Also found under the term Divorce. See Maryland Code, Family Law, Title 7. Divorce, § 7-103
- **Access:** Visitation or Parenting Time.
- **ADR – Alternative Dispute Resolution:** The opportunity for litigants to participate in mediation, which is a form of ADR in which a mediator assists parties in reaching a resolution prior to trial. Mediation can be ordered at any time during the pendency of any civil case, including family cases.
- **Affidavit:** A written statement made under oath.
- **Affidavit of Service:** A document that provides proof to the court that copies of documents filed in a case by one party have been provided to the other party by service.
- **Alimony:** It is the only means available to the court to avoid a potentially unjust division of assets and avoid any unfair economic consequences of a divorce, even after property is divided and child support, if any, is awarded.
- **Annual Fiduciary Report:** Includes information about the disabled persons or minor's assets (calculated as the value of the assets at the beginning and end of the guardianship year), the income received, disbursements made, and changes in the values of the non-cash assets that occurred during the guardianship year.
- **Annual Report:** Includes information about living arrangements, physical and mental condition, and plans for future care of the disabled person or a minor
- **Annulment:** A court's decision that a marriage is void; it never legally existed. It is available only under certain limited circumstances.
- **Answer:** A document filed after service and in response to a complaint, petition, or motion.
- **Arrears:** The amount of money a person failed to pay when due. A person who does not make court-ordered payments such as alimony or child support is "in arrears" for the amount he or she owes.
- **Assignment Office:** Department responsible for scheduling all events.
- **Best Interest Attorney:** An attorney for the children, appointed by the court, whose function is to inform the court as to the best interests of the children without being bound by the minor's directives or objectives.
- **Bifurcate:** Sever into two parts. In family cases custody issues are separated from property, monetary, and divorce issues. Custody issues are heard and resolved first in a separate hearing.
- **Certificate of Service:** A written statement filed with the court as proof that copies of papers filed with the court were given to the appropriate parties.
- **Child Advocate Attorney:** An attorney who provides independent legal counsel for a minor and who owes the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client.
- **Child Privilege Attorney:** An attorney appointed in accordance with *Nagle v. Hooks*, 296 MD. 123 (1983), to decide whether to assert or waive any statutory privilege on behalf of a minor in custody action.
- **Child Support:** The amount of financial and other support each parent is responsible to provide for the care of their minor children.

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- **Child Support Guidelines:** Maryland's guidelines are used to determine the appropriate amount of child support. The guidelines formula calculates support based on the number of children in the family, additional expenses (for example, childcare and health insurance), and the combined gross income of the adults. The court may award child support higher or lower than the guidelines. See Maryland Code, Family Law, Title 12. Child Support, Subtitle 2 - Child Support Guidelines, § 12-201 (Definitions) through § 12-204 (Calculation of Support).
- **CINA:** Children in Need of Assistance
- **Complaint:** The initial pleading that starts the case. The person who files the initial case is referred to as the plaintiff and the person against whom the complaint is made is the defendant.
- **Contempt:** Failure to follow a court order. One side can request that the court determine that the other side is in contempt and punish him or her.
- **Contested Case:** A case in which the parties cannot agree on one or more points (property division, alimony, custody, child support, or attorney's fees).
- **Corroborative Witness:** A person who testifies for you and backs up your story (for example, if you are asking the court to grant a divorce, you must bring to the hearing a witness who can corroborate your grounds for divorce).
- **Counter-Complaint/Counterclaim:** A complaint the defendant files against the plaintiff after the plaintiff's initial complaint.
- **Custodial Parent:** Refers to the parent who has physical custody of the children most of the time. See Physical Custody
- **Custody:** The legal arrangements regarding with whom children will live and how decisions about the children will be made. Custody has two (2) parts: legal and physical.
 - **Legal Custody** - Refers to how parents will make decisions about the children. If a parent is awarded sole legal custody it means that he/she alone can make major decisions for the children including, for example, medical/dental and educational decisions. See Decision-Making Authority.
 - **Physical Custody** - Refers to with whom the children live. See Parenting Time.
- **Custody Merits Hearing (Trial):** If you don't settle with your children's other parent your case will end up at trial where the parent's arguments are heard. A Magistrate makes the recommendation, and the Judge makes final order.
- **Decision:** An opinion or Order of the Court resolving the disputes in a case.
- **Decision-Making Authority:** The day-to-day decisions such as how the children dress(es), or their home routine. Major decisions such as medical and mental health care, education, religious training, extracurricular activities, communication among the parties, and information sharing.
- **Default:** A party's failure to file a timely answer to a complaint, motion, or petition after proper service of process has been made. After a certain time has passed, the plaintiff can ask the court for a default judgment.
- **Default Judgment:** A court's finding on behalf of a plaintiff because the defendant did not respond to a complaint, motion, or petition.
- **Defendant:** The person the case is brought against. If a defendant files a counter-complaint, he/she becomes the counter-plaintiff.

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- **Disabled Person:** Person other than a minor who has been judged by the Court to be unable to manage his/her property and/or unable to provide for his/her daily needs
- **Discovery:** A way of getting information from the other side or other people. Special rules determine how and when discovery occurs. Discovery methods include:
 - **Interrogatories:** Written questions that one side gives the other side to complete.
 - **Oral Depositions:** Question-and-answer sessions conducted in person and recorded, about the facts of a case. Answers are made under oath and recorded.
 - **Requests for Production, Inspection and Copying of Documents:** Asking one (1) party to give the other party documents related to the case.
 - **Requests for Admissions of Fact:** Asking the party to admit to facts so that those facts do not have to be decided by the court.
- **Dissolution:** Another name for the legal end of a marriage.
- **Divorce:** A process for the ending of a marriage. There are two (2) types of divorce:
 - **Absolute Divorce:** The legal ending of a marriage. Once granted, both parties can remarry. See Maryland Code, Family Law, Title 7. Divorce, § 7-103
 - **Limited Divorce:** Establishes certain legal arrangements regarding custody, alimony, use of the marital home, etc., while the parties are separated. Does not end the marriage (spouses cannot remarry). See Maryland Code, Family Law, Title 7. Divorce, § 7-102
- **Emergency Motion/Hearing:** A motion that is presented to Court, requested when imminent risk of substantial and immediate physical harm to a party or minor child and a hearing should be scheduled as soon as possible.
- **Evidence:** Testimony of witnesses and documents that are presented to the Court and considered by the court in making a decision in a case. Rules of evidence are complicated and technical, you should consider consulting or hiring a lawyer to help you.
- **Exhibit:** A document or object admitted into evidence to prove or disprove an issue in court.
- **Family Law:** General term for the various actions related to marital relationships and relationships between parents and children
- **Fiduciary:** Someone who can be trusted to act in the best interest of the disabled person
- **Filing:** The process of giving the Clerk of Court your legal papers. Some filings require payment of fee.
- **Grounds for Divorce:** The legal basis for a divorce. The law sets out specific circumstances under which a divorce will be granted. Before the Court will grant a divorce, the person seeking the divorce must prove that those conditions exist
- **Hearing:** A legal proceeding during which an issue is presented to a Judge or Magistrate
- **Inventory and Information Report:** Requests information about the disabled persons or minor's assets, such as real estate property, cash and cash equivalents, stocks, bonds, and personal property.
- **Judge:** A court official with the authority to hear and make decisions about a case.
- **Judgment/Judgement:** A court's decision (the final order of the court).
- **Legal Custody -** Refers to how parents will make decisions about the children. If a parent is awarded sole legal custody it means that he/she alone can make major decisions for the children including, for example, medical/dental and educational decisions. See the term Custody.

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- **Magistrate:** Hears Family Law cases and Juvenile matters like the Judge. A Magistrate makes findings of fact and recommendations, that is reviewed by a Judge before becoming a Final Order.
- **Marital Award:** Determination whereby a Judge orders one spouse to pay a lump sum of money or property to the other spouse as part of a divorce case.
- **Marital Property:** All property acquired during the marriage, even it is not titled in both names, with some exceptions. Marital property can be divided when spouses divorce. If spouses cannot agree, the court will decide. You should consider consulting or hiring a lawyer. See Maryland Code, Family Law, Title 8. Deeds, Agreements, and Settlements Between Spouses; Property Disposition in Divorce and Annulment, Subtitle 2 - Property Disposition in Annulment and Divorce, § 8-201(e) (Definitions - Marital Property) and § 8-203 (Determination of Marital Property) through § 8-205 (Monetary Award).
- **Mediation:** A process in which the parties meet with a trained, neutral third-party (a mediator) who will try to resolve issues and reach an agreement.
- **Merits Hearing:** The final resolution of a case, heard by a Judge or Magistrate, depending on the complexity and length of the case. The Court can issue a Final Order.
- **Minor:** Person who has not reached the age of 18, with the exception of minors who are placed under guardianship for the special immigration purpose; in which case age of majority will be 21 instead of 18
- **Modification:** A change to an existing order. A party asking the court for a modification must show that there has been a "material change in circumstance" since the date of the existing order
- **Motion:** A written request to the Court or motions can be oral (in Court). Generally, seeks lesser relief and it cannot start a case off. A copy of any Motion must be mailed to the other party.
- **Non-Custodial Parent:** Refers to the parent who does not have primary physical custody of the children but may have visitation (access or parenting time) and shared legal custody.
- **Non-Marital Property:** Property acquired before marriage by one spouse, third-person gifts to one spouse, and inheritances made to one spouse. Non-marital property will not be divided by the court unless the spouses agree, or the property has been commingled with marital property.
- **Oath:** A promise to tell the truth subject to criminal penalties for lying. Oaths can be oral (for example, made in court while testifying or during a deposition) or written (for example, by signing a form or an affidavit).
- **Opinion:** A Court's written statement explaining the Court's decision for a case.
- **Order:** A written directive to the parties based on a ruling/decision of the court about the issues stated in a complaint, petition, motion, or other matter; a command that one or both parties must follow.
- **Parenting Plan/Agreement:** A written document that outlines how parties will raise the children. It covers how parties will make major decisions about children (decision-

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making authority or legal custody). The document addresses the time the children will spend with each party (parenting time or physical custody).

- **Parenting Time:** When will the children spend time with each party. To include but not limited to holidays, school breaks, vacations, out-of-state travel, and other special days. Also found under the term Access or Visitation.
- **Parties:** The persons who are directly involved or interested in a case. Typically referred to as the plaintiff and the defendant.
- **Pendente Lite Hearing:** Brief hearings held on requests for temporary relief before a case has gone to trial. Some issues covered in these hearings include child support, alimony, visitation, attorney and expert fees, and contribution to household expenses.
- **Petition:** A legal paper that starts a case. The person who files the case is the petitioner. The person who is served is the respondent.
- **Physical Custody** Refers to with whom the children live.
- **Plaintiff:** The person who files the initial case. If a counter-complaint is filed by the opposing party, the plaintiff also becomes the "counter-defendant."
- **Post Judgement:** All matters heard after the final resolution of a case (merits). This includes any requests to modify prior orders concerning child support, visitation, custody, alimony, etc.
- **Pro Se/ Proper Person (also called Self-Represented):** A person who represents themselves in Court without a lawyer.
- **Reconciliation:** Married people getting back together
- **Resident Agent:** Person who resides in Maryland on whom service of process may be made in the same manner and with the effect as if it were served personally in Maryland on the nonresident guardian
- **Respondent:** Term used for the child in a juvenile proceeding or the person who is served by petition.
- **Rule 2-507:** Maryland Rule governing dismissal for lack of jurisdiction or prosecution.
- **Ruling:** A Court's decision on a matter presented in a case. This could be final or non-final.
- **Scheduling Conference/Hearing:** An initial hearing held after all opposing parties have been served. The purpose of this hearing is to determine contested issues, order services, set dates for the case, and determine the proper track for the case. This hearing is typically held before the Magistrate.
- **Service (or "Service of Process"):** Providing a copy of the papers being filed with the Court to the other side. Service includes the Writ of Summons and is completed by a person not involved in the case who is over the age of 18 years. Services may be obtained by private process, neutral third party, certified mail or by the Sheriff's Department (\$40.00 fee). An Affidavit of Service must be filed indicating how and when service was made.
- **Settlement Conference/Hearing (or Pre-Trial Hearing):** A conference conducted by the Magistrate or visiting Judge, with a goal of settling the case or narrowing the issues to be heard at the Custody Merits Hearing (Trial) covering property monetary and divorce issues.
- **SIJS:** Special Immigration Juvenile Status
- **Spouse:** The person to whom you are married; husband or wife.

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- **Status Conference/Hearing:** A hearing held before the Magistrate or Judge to determine the status of the case or completion of any family services ordered. A Status Conference may be set if a party has not complied with procedural requirements.
- **Sub Curia (Under Law):** When the Court will issue a written ruling or opinion after holding a matter under consideration, review, or awaiting something to be filed.
- **Subpoena:** A form issued by the Court requiring someone to appear in Court and/or to provide documents
- **Track:** Numeric category assigned to each case that drives how dates are scheduled and time standards are met
- **TPR:** Termination of Parental Rights
- **Uncontested Divorce:** A case in which the parties agree to be divorced, there are no issues for the court to decide about children, money, or property. Parties must have a written separation agreement that provides for the custody and support of the minor children of the marriage and makes a fair and equitable division of property there are also additional technical requirements, but the separation agreement is the essence of an uncontested divorce.
- **Use and Possession:** Under certain circumstances the court may grant use and possession to the parent who has primary custody of the minor children of the marriage, allowing that parent and the children to live in the family home and/or use family property for up to three (3) years from the date of the divorce. See Maryland Code, Family Law, Title 8. Deeds, Agreements, and Settlements Between Spouses; Property Disposition in Divorce and Annulment, Subtitle 2 - Property Disposition in Annulment and Divorce, § 8-206 (State Policy Regarding Family Home and Family Use Personal Property) through 8-211 (Order, Award, or Decree Not Evidence of Constructive Desertion).
- **Venue:** The county where the case is heard.
- **Visitation:** Refers to the access or parenting time given to the noncustodial parent when the other parent has primary physical custody of the children.
- **Witness:** A person who testifies under oath in Court, in support of a party's case.
- **Writ of Summons:** A form issued by the Court directing a party to respond to a complaint, motion, or petition.