

# Glossary of Utah Divorce Terms

---

 [utahdivorce.biz/divorce/glossary-utah-divorce-terms](http://utahdivorce.biz/divorce/glossary-utah-divorce-terms)



## Common Terms Used in Utah Divorce Cases

---

There are numerous terms used in divorce proceedings, some of which may be difficult to understand. Here is a list of some of the more common terms and what they mean.

**A.D.R.:** Alternative Dispute Resolution. A process used to settle a case without a trial.

**Affidavit:** A written document, outlining statements made under oath.

**Alimony:** Alimony is money paid to a (former) spouse for their support during and/or after the divorce.

**Allegation:** A statement presented in an affidavit that declares an accusation against a party that the presenter says he/she will prove is true.

**Annulment:** The marriage is determined to be null and void as though it never existed.

**Arrearage:** Past due money owed for child or spousal support.

**Appeal:** To apply to a higher court asking for a reversal of a lower court's decision.

**Child Support:** Money paid by a parent to the other parent with custody of the child(ren) in support of those children.

**Common-Law Marriage:** A domestic relationship between a man and a woman that is recognized in some states of the U.S., requiring a legal divorce to dissolve their union, even though there has not been a marriage license or formal act of marrying the couple.

**Custody:** Legal and/or physical rights, either joint between (ex-)spouses or individual, over your child(ren). Legal custody applies to making decisions over the child(ren)'s welfare while physical custody means the child(ren) live(s) with and are raised by you.

**Contempt of Court:** The intentional failure to obey a court order, judgment, decree, or other form of demand by a judge during the judicial process of a case.

**Court Order:** An enforceable written directive from a court signed by a judge.

**Contested Divorce:** A divorce case in which the parties cannot agree on a settlement of one or more issues resulting in those matters being brought before the court for a decision.

**Deposition:** A witness's testimony taken under oath someplace other than in court and committed to writing.

**Decree:** Written order or decision from the court finalizing the divorce.

**Default Judgment:** Granting the full request of the spouse who initially filed for divorce, based on the failure by the other spouse to answer the petition and/or appear in court as required.

**Defendant:** Spouse against whom the divorce petition is filed.

**Dissolution:** The legal termination of a marriage, based on a divorce petition request.

**Divorce:** The legal termination of a marriage, based on a divorce petition request.

**Equitable Distribution:** A fair, but not necessarily equal, division of property based on the circumstances of the divorce.

**Hearing:** A court proceeding to resolve disputes by presenting testimony, evidence, and legal arguments.

**Guardian ad Litem:** Independent attorney assigned to represent the best interests of the child(ren) of the divorcing spouses.

**Indemnification:** A formal commitment to compensate someone in case of a potential loss claim by others due to the involvement of the indemnified party.

**Injunction:** A court order prohibiting a party from a specified action that is likely to harm another party or the other party's property.

**Interrogatories:** Questions a party is legally required to answer under oath within a specified timeframe for the purpose of discovering relevant facts in a legal dispute.

**Irreconcilable Differences:** A legal ground for no-fault divorce petition.

**Irretrievable Breakdown:** A legal basis for a no-fault divorce petition.

**Joint Custody:** The shared custody of a child by both divorced or legally separated parents.

**Joint Property:** The legal ownership of property by two or more people.

**Jurisdiction:** A court's authority to decide matters between parties.

**Legal Separation:** A status obtained by a court order or legal agreement of the parties in which their marriage is not dissolved but in which they can live apart and all financial issues can be legally finalized.

**Motion:** A formal written request to the judge for a ruling.

**Motion to Modify:** A formal written request submitted to a court asking for a change of a previous court order, for example, a Motion to Modify Child Support.

**Motion to Vacate the Premises:** A formal written request to the court asking that, due to good cause, the other party be required to leave the premises in question.

**Marital Property:** All properties acquired by the spouses during the time of the marriage.

**Mediation:** Attempt to resolve legal disputes without trial through the assistance of a professional independent third party who facilitates the negotiation of a mutual agreement between the divorcing spouses. Utah Courts require attempts at mediation before a divorce trial.

**No-Fault Divorce:** Type of petition where neither spouse is required to show fault or misconduct on the other spouse's part before a divorce is granted.

**Non-Custodial Parent:** The parent who does not have physical custody of the child(ren), but may have legal custody.

**Non-Marital Property:** Generally, property owned by either spouse prior to marriage or acquired by them individually, such as by gift or inheritance, during the marriage.

**Notice of Hearing:** The official written document delivered to the opposing party in a legal matter informing the party of the date, time, and location of a court session to be held and the motion(s) that will be heard by the judge at that time.

**Parenting Plan:** Outline of how (soon-to-be) divorced parents plan to raise their child(ren). This is typically required for shared custody arrangements.

**Petition:** Initial request for divorce with the court.

**Petitioner:** The spouse who files for divorce.

**Plaintiff:** The spouse who files for divorce.

**Premarital Agreement:** A legal contract agreed upon and signed by both spouses prior to the marriage, outlining the rights and responsibilities in case of divorce.

**Prenuptial Agreement:** A legal contract agreed upon and signed by both spouses prior to the marriage, outlining the rights and responsibilities in case of divorce.

**Pleading:** Formal written request filed with the court asking for a decision to grant relief and for a formal reply. In addition to the formal petition and answer to it, the pleading involves counterclaims from the opposing party, motions, and other formal actions.

**Privilege:** A person's right to share information and other statements with his/her lawyer, spouse, psychiatrist, or other party without risk of having what's said in those discussions be admissible as evidence in a legal case.

**Pro se:** A litigant who is not being represented by an attorney.

**Qualified Domestic Relations Order or QDRO:** A court order issued in some property division cases during divorces or legal separations to divide a spouse's pension or other retirement fund by acknowledging it as marital property. A QDRO can also be handed down by the court for child support or spousal support.

**Respondent:** Spouse against whom the divorce petition is filed.

**Restraining order:** A court order prohibiting a party from certain actions specified in the order, such as harassing, threatening, committing physical violence, seizing money or property, or taking other specific action detrimental to the party who has requested the court order.

**Rules of Evidence:** The laws that dictate whether testimony by people and documentary evidence is admissible in court cases and how it can be presented.

**Separate Property:** Property owned by one spouse in a marriage but that is not marital property under Utah law and is therefore not divided in a divorce case.

**Set off:** One spouse's debt or other financial responsibility that is deducted from the other spouse's debt or financial obligation.

**Settlement:** The agreement reached in resolving a legal issue.

**Show Cause:** A formal written request to a court for some form of relief. The judge determines what nature of notice will be conveyed to the other party.

**Subpoena:** A formal written legal notice commanding a person to appear before the court as a witness in or party to a legal matter. Failure to obey the subpoena carries potential legal consequences.

**Summons:** A formal written notification that a legal process is underway in the court and a response from the recipient is required within the time frame ordered in the notice.

**Split Custody:** A custody agreement whereby some of the children remain with one parent and the other child(ren) are in custody with the other parent.

**Spousal Support:** Money paid to a (former) spouse for their support during and/or after the divorce.

**Stipulation:** An agreement between divorcing spouses, which becomes part of the Court's final judgment of divorce.

**Testimony:** Statements made by witnesses and parties to legal actions in court under oath or in a deposition under oath.

**Transcript:** The court reporter's typewritten transcript of testimony in court proceedings and depositions. Trial: A court hearing in which disputes are detailed and submitted to the judge in pleadings for a formal decision that legally resolves the issues.

**Temporary Order:** Temporary resolution for the divorcing spouses until a final divorce decree is issued by the Court.

**Uncontested Divorce:** The spouse against whom the divorce is filed agrees to all the terms laid out in the petition, without the need for the Court to intervene.

**Visitation:** Time granted to the non-custodial parent to spend with the child(ren).

**Writ of Summons:** A court order to respond to a motion, petition or complaint for divorce.

## Contact The Law Office of David Pedrazas Today

---

If you have any terms regarding the above terms, give us a call at **(801) 263-7078**. The Law Office of David Pedrazas has helped countless families through divorce proceedings. We would be happy to help you.