



WHERE DO I START?

Now that you know a little about Together You Part's Who, What and Why let's move forward a few steps and get started on What you need to know and gather to be more informed, organized and prepared. Let's start with TYP's Glossary of Terms.

Legal jargon can feel overwhelming, but understanding the language of divorce puts you in the driver's seat. Throughout this process, you'll hear certain terms and phrases—and I will make sure you know exactly what they mean and why they matter. As we move through The TYP WaySM, I'll break it all down, so you feel confident, informed, and in control every step of the way.

*But do not give it to a
lawyer's clerk to write, for they use a legal
hand that Satan himself will not understand.
~ Cervantes*

To get you started—and for easy reference along the way—here's our Glossary of Terms.

Glossary of Terms

Alimony: Financial payments made, often monthly, by one spouse to another. Each state has its own unique process for determining who is entitled to alimony, what the monthly amount should be, and how long the payments last. Alimony is based on the idea of a Supporting Spouse and a Dependent Spouse. Generally, the spouse making more money pays some support to the spouse making less. Alimony may also be called Spousal Support or Maintenance.

Alternative Dispute Resolution: Various methods of resolving disputes without going to court. These methods include Mediation, Arbitration and Collaborative Law. The TYP WaySM process is an Alternative Dispute Resolution process although it is not a traditional mediation process.

Appeal: Hopefully you will steer clear of the courtroom during your divorce. However, if you find yourself there, knowing what an Appeal is will be helpful. An Appeal is the process of asking a higher court to review, and possibly reverse, the decision of the trial court. For example, if you have a trial about alimony and asset distribution and you are dissatisfied with the outcome, you may have legal grounds to have the judge's decision reviewed. The Appeal process is long and expensive.

Arbitration: An alternative to court where the parties select a person to serve as a private judge (the Arbitrator). Unlike mediation, decision making is removed from your control and handed over to the Arbitrator. The process can be as formal, costly, and time consuming as court.

Arrears: Any amount of money that is past due for either Child Support or Alimony/Spousal Support. For example, if Mom is supposed to pay Dad \$500.00 a month in child support, but does not pay for two months, then she is in arrears of \$1,000.00. The arrears amount grows with each payment missed.

Asset and Debt Chart: A spreadsheet used by lawyers to list and allocate your assets and debts. My version is The Property Inventory which we will create together during our working sessions. A copy of the Property Inventory is included later in this Guidebook.

Child Custody: This is a loaded term that we don't use at Together You Part. However, the term is still used by most courts and most lawyers. When used in the legal world, Child Custody describes the legal and practical relationship each parent has with their child/children. Child Custody includes both Legal Custody and Physical Custody (both are described below).

Child Support: Those financial payments made, usually monthly, by one parent to the other for the benefit of their minor children. Each state has their own formula and process for determining which parent pays, how much they pay, and for how long. Most states now use Child Support Guidelines and a Child Support Calculator to determine these amounts.

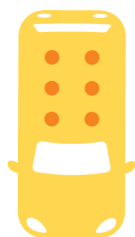
Child Support Guidelines: These are the rules that establish the method for calculating child support. Among other things, most Child Support Guidelines calculate support based on the Child Custody schedule, the parents' incomes, and the child(ren)'s needs and expenses. The child support guidelines for a particular state are easily located with an internet search.

Collaborative Law (Divorce): Collaborative Law is a form of Alternative Dispute Resolution that allows couples to resolve disputes outside of the traditional court process. In the Collaborative Law setting, both parties are represented by attorneys and the collaborative team may also include financial advisors, therapists and divorce coaches. One requirement of a Collaborative Law case is that both attorneys must withdraw if the case cannot be resolved and goes to court.

Complaint: A Complaint is the document that starts a lawsuit. In the Complaint, one Party sets out facts they think are important and the legal reasons they believe they are entitled to relief from the other party. A Complaint may include a request for Divorce or it may ask for any or all of the following: Child Custody, Child Support, Alimony, and Property Distribution. Two important things if you receive a Complaint: First, do not get upset over the allegations or the tone of the Complaint. Many parties and lawyers use the Complaint to inflame a case and set the path for litigation. Second, find a Consulting Attorney quickly because the filing of a Complaint starts the clock ticking on certain deadlines.

Consulting Attorney: A lawyer who will work with you to review documents, prepare for mediation, and review settlement terms. These lawyers usually work without a large up front retainer and agree not to represent you if your divorce ends up in court.

Contempt: This is a litigation term used when someone willfully violates or disregards a court order. If a Judge finds that a willful violation has occurred, a new order will be entered enforcing compliance through penalties ranging from monetary fines to active jail time.



Court Order: A direction, or decision, issued by a Judge which defines the relationship between the parties and often directs that one or both parties to take some action. If your case is handled in court, you may have multiple Court Orders each addressing separate and particular issues. For example, you could have a Child Support Order and a separate Child Custody Order. You should note that in some states an Order is also referred to as a Decree.

Decree: This is the written order entered by the Court that finalizes the divorce and ends the marriage. A Divorce Decree may also be referred to as a Divorce Judgment.

Default: Default has two meanings in the divorce context: 1) Failing to make your support payments timely or failing to pay a financial obligation when ordered by a Court; or 2) When a Complaint has been filed against you and you do not file a formal response or Answer. In this situation, a Default Judgment may be entered against you. When this occurs, the Court typically awards the other party everything they asked for in the Complaint.

Defendant/Respondent: The person against whom the Complaint is filed. Do not get all wrapped up in whether you are the Plaintiff or Defendant. In many states, your designation as one or the other does not control how matters are presented or handled in Court.

Defined Benefit Plan: This is a retirement plan sponsored by your employer. It is not a 401(k) plan. The most common way to describe these is a “pension plan.”

Deposition: Part of the Discovery process if your case is in the court system. A lawyer representing one party asks questions of the other party while under oath. A transcript of the Deposition is prepared. Although a Deposition does not take place in the courtroom, it is a Court proceeding and the Rules of Evidence typically apply.

Discovery: This is the information gathering process used during a court case. Discovery may be done formally (under the Discovery Rules and once a lawsuit has been filed) or informally (a voluntary exchange of information for use in Mediation or during the

Collaborative Law process). Forms of formal Discovery include Depositions, Interrogatories, and Request for Documents.

Dissolution: The relationship's legal end point. Another word for Divorce.

Divorce: The legal termination of the marriage. Although a Divorce may include issues of Child Support, Child Custody, Alimony, and Property Division, it is a separate claim. Even when you have resolved all of the legal issues arising from the end of your marriage through Mediation or another collaborative process, you or your spouse will have to ask the Court to enter your Divorce Decree or Judgment.

Domestic Violence/Domestic Abuse: Sometimes also referred to as "Intimate Partner Violence." Abuse is a physical, sexual, emotional, or psychological action or threat of action, often used to control the behavior and choices of another. Domestic Violence may include actions or behaviors that injure, wound, frighten or terrorize another person. Most Domestic Violence laws require that there be a current or former "intimate relationship" between the two people. "Intimate relationship" can include people who are or were married, living together, dating, or have a child together.

Equitable Distribution: A term used in many states to describe a distribution of the marital assets and debts that is fair and equitable based on a number of factors and specific circumstances. Note however, that equitable does not always mean equal.

Evidence: The information presented during a hearing or trial in court. Evidence may include documents, recordings, and verbal testimony. The presentation of Evidence to the Court is governed in each state by the Rules of Evidence. In Family Law cases, the Rules of Evidence can make it very difficult to tell the story you want the Judge to hear.

Fair Market Value: The price any asset, business, or other property would sell for on the open market when the buyer and seller are informed and free of any outside pressure.



Financial Affidavit/Financial Disclosure: A form required by the Court in support cases. This form lists, in detail, your average monthly and yearly income and expenses. At Together You Part we use a unique version of this form called the Financial Forecast.

Interrogatories: Part of the formal Discovery process. These are written questions served on one party by the other. The answers must be written, sworn to be truthful, and notarized.

Judgment: A document signed and entered by the Court which resolves certain matters. For example, you may have an Equitable Distribution Judgment that contains the final distribution of your marital assets and debts.

Legal Custody: The right of a parent to make decisions regarding the important aspects of raising a child. The most commonly addressed issues are: health care, education, and religious upbringing. Legal Custody may be divided in several ways: 1) Joint: where both parents make decisions together; 2) Sole: where one parent has the right to make all decisions; or 3) Split: where individual issues are assigned to a particular parent. At Together You Part, we do not use the term Legal Custody; instead we use Parental Responsibilities. The term Legal Custody carries with it the idea of possession and insinuates that one parent is better and more powerful than the other.

Maintenance: An alternate term for Alimony or Spousal Support. Financial support paid by one spouse to the other.

Marital Property: Generally, this is all property acquired during the marriage.

Mediation: A process to resolve the issues brought on by your separation and/or divorce without going through a trial. Mediation is an Alternative Dispute Resolution Process that uses a trained and impartial mediator to assist parties in reaching their own resolution.

Memorandum of Understanding/Agreement : Often referred to as an “MOU” or “MOA”, a Memorandum of Understanding is the



document that sets out in detail the agreement reached by you and your spouse during mediation.

Motion: A request made by one party during the Court process, either in writing or orally, requesting a certain ruling or Court Order.

Parental Responsibility: A term Together You Part uses to replace “Legal Custody.” Parental Responsibility describes the decision-making responsibilities for your children. Typically, a Parenting Partnership Agreement will specifically set out the individual responsibilities of each parent including decision-making for important issues and day-to-day caregiving responsibilities.

Parenting Agreement: A private contract between you and your co-parent setting out your Parenting Time schedule and your Parenting Responsibilities. At Together You Part, we call this document a Parenting Partnership Agreement.

Parenting Coordinator: A neutral third person who helps parents resolve issues and disputes related to their children and Parenting Agreement or Child Custody Order. A Parenting Coordinator, often referred to as a “PC,” may be used in a court proceeding or may be selected by parents outside of the court process. The PC helps parents with communication issues, implementation of the Parenting Agreement, and disputes brought about by life changes like relocation and remarriage.

Parenting Time: This is the schedule you and your co-parent follow for sharing time with your children. Parenting Time is starting to replace the old term “Physical Custody.” A good Parenting Agreement will address not only day-to-day regular Parenting Time, but all holidays, vacations and special occasions.

Party: A person involved in a lawsuit. Typically, the Plaintiff/Petitioner and Defendant/Respondent.

Physical Custody: Physical Custody describes where your children reside and on what schedule they spend time with both you and your co-parent. At Together You Part we have replaced this term with “Parenting Time.”

Plaintiff/Petitioner: The person who starts a lawsuit with the filing of a Complaint. Do not get wrapped up in whether you are the Plaintiff or Defendant. In many states, your designation as one or the other does not control how matters are presented or handled in Court.

Postnuptial Agreement: A “Post-Nup”, as it is often called, is an agreement entered into by spouses at some point after they are married. Similar to a Prenuptial Agreement, this document sets out each spouse’s rights and obligations should the marriage end.

Prenuptial Agreement: A “Pre-Nup” is an agreement entered into before marriage that establishes each spouse’s rights and obligations should the marriage end either by death or divorce. Sometimes a Pre-Nup is also called a Premarital Agreement.

Property Inventory: Many lawyers refer to this document as an Asset and Debt Chart, and the Court may call it an Equitable Distribution Affidavit. No matter the name, the document contains similar information. It is a listing of everything you own and everything you owe. Most inventories ask you to list the name of the asset or debt, what its Fair Market Value is now, and whether you want to keep it.

Qualified Domestic Relations Order (QDRO): A QDRO is an order from the Court entered as part of your Divorce and property division that splits a retirement plan according to the parties’ agreed upon, or court ordered, allocation of that account.

Separation Agreement: A written document that you and your spouse voluntarily sign containing agreements reached between you without the involvement of the Court. A Separation Agreement may include terms for resolving issues of Child Custody, Child Support, Alimony and Property Division.

Serve: The formal process by which one party to a lawsuit sends paperwork to the other party. Service may typically be done by certified mail, sheriff or a process server.

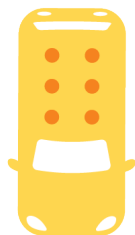
Spousal Support: Just another name for Alimony. These are the payments made by one spouse to another.



An important note on the terms “separated” and “divorced?” These are loaded terms that mean different things to different people; and to make it all the more complicated, the terms mean different things in different states. Let me take a minute to try and clear up the confusion.

Let's start with the 'D' word.

D-I-V-O-R-C-E: I'm not sure everyone hears Tammy Wynette singing when they see the word divorce, but I am a country music fan and I do. In the song, Tammy sings “Our D-I-V-O-R-C-E was final today...”



But what does that really mean? Lawyers use the word “divorce” to describe the entire process of a marriage ending; from the first conversation about separation until the entry of a Divorce Decree/Judgment. We all throw the D word around to describe the break up of any marriage. The problem is, it's not that simple.

If you Google “Divorce”, and we both know you did, this is the definition you will find: “the legal dissolution of a marriage by a court or other competent body” (more on whether the courts are competent later). Technically a divorce is just the court's Order or Judgment dissolving the marriage. It is a piece of paper that legally ends a marriage in the same way a marriage certificate is the piece of paper that legally starts a marriage.

So why have we all made this word mean so much more? And why does it matter?

The answer to the first question is easy; as divorces have evolved into legal cases involving child custody, child support, alimony and property distribution, that was too much to explain or say. So everyone involved just threw all of it under one big umbrella of “divorce”.

Why it matters gets a bit more complicated.

The path to divorce isn't always as simple as saying, "We're getting divorced." Take Cathy and Steve, for example. They're still living together but telling everyone they're divorcing. But are they?

Not really—not yet. Many states require physical separation for a set period before a divorce can be legally filed. In North Carolina, that means living apart for 366 days before you can even ask the court for a divorce.³ So, if Cathy and Steve still share a home in Charlotte, they can't get divorced until one of them moves out and the required time passes.

But does that mean they have to wait to figure out child custody, support, alimony, or property division? Nope. The good news is that Cathy and Steve can work with TYP right now. Through mediation, they can resolve ALL of their divorce-related issues—long before they ever file for divorce.

In fact, when you choose mediation over litigation, divorce itself becomes an afterthought—a legal formality that happens months after the real work is done. By then, you're already focused on writing your next chapter.

Now that you can talk the talk, let's get to work.