

## ***GLOSSARY OF TERMS***

ALIMONY	In Texas, after divorce, the court may order alimony for either spouse only if the marriage was 10 years or longer and the spouse seeking alimony meets other specific requirements.
ANSWER	The legal response filed by the Respondent to a petition. Required to be filed the Monday following twenty (20) days after service of process.
CHILD SUPPORT	Support ordered to be paid by one parent to the other for the children, in an amount based upon a statutorily imposed schedule, until the children reach age eighteen or graduate from high school (with a few exceptions).
CITATION	A legal notice of the existence of a lawsuit in which you have been sued.
COMMUNITY PROPERTY	All property acquired during marriage or owned by either party at the time of divorce is presumed to be Community. The person asserting that property is not Community has the burden of proving it by clear and convincing evidence.
CONTEMPT	A court ruling that a person has violated a written order. A finding of Contempt can result in a fine, a jail sentence or both.
DECREE OF DIVORCE	A Decree of Divorce is a final court order which sets out all of the terms of your divorce. It divides property and provides for the payment of debts and taxes. It apportions parental rights and duties between both parents, specifying terms for possession and support of the children. The decree will remain in effect and enforceable until all of its provisions have been fully performed or until further order of the court, which could be many years.
DEPOSITION	The taking of sworn testimony of a party or witness by a court reporter or by video tape upon questioning by the attorney representing one of the parties.
DISCOVERY	The phase of the case where the parties seek relevant information from each other. This can be accomplished in a variety of methods, such as an exchange of documents, depositions, interrogatories and request for admissions.
JOINT MANAGING CONSERVATORS	By agreement or court order, persons can be appointed joint managing conservators. They share the rights, powers and privileges and have court-ordered periods of possession of the children. The title does not imply equal periods of possession or equal rights as many wrongly believe. The parent with principal possession usually receives child support from the other party.

MAINTENANCE	Support payable only during the pendency of a divorce SPOUSAL SUPPORT by one spouse to the other based upon the legal duty of each spouse to support the other.
ASSOCIATE JUDGE	Each judge has an associate judge who hears all temporary matters for the court. The associate judge is an attorney with the experience required to be a judge. The associate judge makes recommendations to the judge which can become court orders if adopted by the judge.
MEDIATION	A process where the parties attempted to resolve their differences with the help of a trained intermediary. The mediator cannot be called as a witness at trial and does not have the power to decide issues independently.
MOTION	Any number of motions may be filed by the parties during the pendency of a suit. A motion is a pleading asking the court to grant a specific request because the parties have been unable to agree on the issue. Frequently, these motions will address problems arising during the discovery phase of a case. The court will conduct a hearing on the motion and then make its written order deciding the issues.
PETITION TO MODIFY	A Petition to Modify is a pleading filed with the court, asking the court to change an existing order (usually a Decree of Divorce) concerning an aspect of the parent-child relationship. It may request a change in child support, visitation or custody.
MOVANT	The person who files a motion, or requests relief from the court.
ORDERS	An order is a written document signed by a judge, either after hearing or by agreement of the parties. It is binding on the parties to the suit who must obey its terms. An order can be temporary or final.
PETITION FOR DIVORCE	The initial document filed with the court by the requesting, or “petitioning”, the court for a divorce.
PETITIONER	The person who files the petition for divorce or petition to modify and is able to present his position first at trial.
PLEADINGS	Requests filed with the court, whether through a petition, an answer or a motion for relief.
POSSESSORY CONSERVATOR	The person who has periodic periods of possession generally established by the standard schedule as set out in the statutes. The Possessory Conservator pays child support for the children. A copy of the standard possession order is located in section 5 of this manual.



PROPERTY DIVISION	The court's determination of how the property and debts of the parties are divided, which may not necessarily be an equal division. The court is required to make a "just an right" division, taking into consideration the rights of the parties and any children of the marriage. The court cannot award the separate property of one party to the other.
RESPONDENT	The person who responds to the petition by filing an "Answer". A Respondent has the right to file a counter-petition if he seeks relief from the court different than that requested by the Petitioner.
SEPARATE PROPERTY	All property that you owned prior to marriage or that you have acquired during marriage by gift or inheritance is your Separate Property. The court CANNOT award your Separate Property to your spouse. Gifts from your spouse are your Separate Property.
SERVICE OF PROCESS	The delivery of a citation by either a sheriff, constable, or a private process server. A copy of the Petition for Divorce or Petition to Modify will be attached to the citation. You might also be served with notices of hearings, deposition notices or temporary orders such as restraining orders.
SUBPOENA	A summons to appear in court at a specific time to testify or bring designated documents, or both.
TEMPORARY HEARING	A hearing before the Court prior to a final trial for the purpose of the Court making orders which will apply during the pendency of the suit.
TEMPORARY ORDERS	Orders issued by the Court after a temporary hearing, or ORDERS agreement of the parties, which set out the rules which govern the conduct of the parties during the pendency of the case. In a divorce, these orders set out which party is going to pay temporary child support, temporary alimony, have temporary conservatorship and visitation, payment of debts and/or temporary use of the residence.
TRO	An order granted without a hearing which orders one party to be restrained from performing certain acts until a temporary hearing can be conducted.
TRIAL	A hearing in court with testimony recorded by a court reporter. The Petitioner and the Respondent have the opportunity to present witnesses and introduce evidence to convince the judge or jury of their position.
UNCONTESTED DIVORCE	A divorce in which there exists no dispute as to the division of property, debts, or the conservatorship and support of any children of the marriage.



WAITING

A divorce case must be on file for a minimum period of PERIOD sixty days before it can be finalized. Contested cases never get to trial that quickly. Agreed divorce decrees may be signed by the Judge at any time after the sixty day period.

WAIVER

A Waiver of Service of Process is a legal document which waives the requirement of being served a citation by a sheriff, constable or private process server. NEVER SIGN A WAIVER WITHOUT CONSULTING AN ATTORNEY. Many waivers are more than they appear to be. Many waive the right to notice of hearings, trial dates, and even agree to the amendment of pleadings without notice to you.