

Glossary of Terms

Our hope is that increasingly the family law industry will start to express itself more in terms of helping to resolve issues within a family. However, we know that family law services remain grounded in the court and emerge from centuries of speak involving cases, positions, parties and myriad technicalities, often in Latin seemingly (we trust not in reality) designed to exclude the participant from, well participating. We are keen to do our part to help lift the lid. We appreciate that we are a work in progress. We have gone orange for child-relates aspects and green for money ones

Word	Meaning
<i>Abduction</i>	<i>The criminal act of removing a child from a jurisdiction without authority. (See also Port Alert).</i>
<i>Adoption</i>	the legal process by which the legal status of the birth parents ends and someone else becomes the legal parent in their place.
<i>ADR</i>	standing for “alternative dispute resolution”, this is a somewhat yester-year term for the collection of processes that don’t use court (mediation, collaborative etc); now more usually “DR” for dispute resolution.
<i>Alienation</i>	a term now with a specific connotation of a parent who is seeking, without objective justification, to exclude the other parent from the life of a child
<i>Ancillary Relief</i>	the name for court proceedings about money issues connected with (“ancillary to”) divorce proceedings – now usually “Financial Remedy” is used
<i>Applicant</i>	a person who starts legal proceedings or makes an application – where this is a petition for divorce, they are referred to as “the Petitioner”
<i>Attachment</i>	1) see pensions ... but more likely 2) to be used in the context of considering the arrangements for care of a baby or young child, whose well-being depends on the attachment figure, with particular reference to the work of Bowlby & Ainsworth
<i>Arbitration</i>	a process by which parties adopt a privatised process to determine a legal question. Instead of a court official (usually a judge) being given the responsibility for deciding a legal claim, a qualified private professional is used. Parties ‘buy in’ to the system using an “ARB1CS” form for children arbitrations or “ARB1FS” for financial arbitrations, forms developed and adopted by IFLA, the overarching body. The out-turn of an arbitration is “an award” (financial matters) or “a determination” (parenting matters).

<i>Article [6] [8]</i>	<p>references the Human Rights Act, which include at article 6 the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal (these are rights that are adjusted by entering into arbitration of course).</p> <p>Article 8 meanwhile enshrines your right to respect for your private and family life, your home and correspondence.</p>
<i>Barrister</i>	<p>also '<i>counsel</i>' - for reasons that makes no sense to those on the outside but which may perfect sense within the industry, family law advice, assistance and representation is divided between 1) solicitors (most of those at FLiP) who manage the day to day running of your case and 2) barristers, the advocacy specialists from specialist <i>chambers</i>, in court most days and thus the technical specialists [think GP and consultant in medical terms and you are some of the way there]. We usually involve barristers in the cases that go to court and in quite a few that do not. We expect to achieve better outcomes at lower cost to you in consequence.</p>
<i>Bills</i>	<p>another of the array of words that is used loosely in a number of different ways concerning charging, eg "1 bill at £x per hour", "my bills total £y" or more technically "this is an interim bill" (the right is reserved to re-charge the work at a different rate should circumstances dictate); "this is a final bill" (it may not be the last bill but the amounts for that period will not be altered later). FLiP's bills are all "final bills".</p>
<i>C100, C1A</i>	<p>some of the core forms when an application is made for s8 Children Act 1989 orders to regularise parenting arrangements for a child.</p>
<i>Calderbank</i>	<p>an offer made in "schedule 1" and some other proceedings which is generally hidden from the court but which may weigh-in at the end of the day after the court has given its judgment: generally the party given a Calderbank offer who fails to do better than the offer at the eventual hearing will pay the offeror's costs ... in CPR (Civil Procedure Rules) terms, it is a similar to a part 36 offer.</p>
<i>CAFCASS</i>	<p>the Children and Family Court Advisory and Support Service, a public body to promote the welfare of children. It is CAFCASS that provides the officer who will provide a report on the child's wishes and feelings to enable a court to make an order that takes them into account.</p>
<i>CAMHS</i>	<p>Child and Adolescent Mental Health Services, for example https://camhs.elft.nhs.uk/ expert assistance to support children in crisis.</p>
<i>CETV (or Cash Equivalent Transfer Value)</i>	<p>one of the valuations given to a pension fund (roughly, if the fund were transferred to another pension provider at the given date, the figure that the new pension provider would receive from the old for taking on the obligation). It is a figure that the courts and family lawyers will need to negotiate around and implement the division of pensions</p>
<i>CGT</i>	<p>Capital Gains Tax is the tax charged on the disposal of an asset linked to the amount of increase in value of the asset during ownership.</p>

<i>Chattels</i>	personal possessions.
<i>Child arrangements order</i>	an order regulating arrangements relating to a) with whom a child is to live, spend time or otherwise have contact and b) when a child is to live, spend time or have contact with any person ... we now use the terms “a spending time with” or “a living with” order in place of the previous ‘contact’ and ‘residence’ order
<i>Chronology</i>	the document required to be lodged at court prior to the First Appointment, setting out the main events of the marriage and divorce and subsequent proceedings to enable the court to identify the relevant history
<i>Clean break</i>	the situation where the court has terminated all orders that could be made between parties (apart from any ongoing orders for the support of children). The “clean break order” is the order made by the court achieving this
<i>CMS</i>	The Child Maintenance Service, purveyors (in replacement for the Child Support Agency and the Child Maintenance Enforcement Commission) of calculations carried out under the Child Support Act 1991 to determine the level of general maintenance paid by a “non-resident parent” to a “parent with care” for their “qualifying child”
<i>Coach</i>	a professional usually with psychotherapeutic training offering paid for services to support an individual or a family through transition, including separation. They rose to the fore with the collaborative movement in the noughties.
<i>Coercion</i>	usually used in conjunction with “control”, sometimes in a broad way, but sometimes to reference s76 of the Serious Crime Act 2015 and the crime of controlling or coercive behaviour in an intimate or family relationship ... for a brief guide see here https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship
<i>Collaborative law/ process/ practice</i>	the variety of terms referring to the range of processes regulated by a “participation agreement” aimed at promoting consensual outcomes. They involve progress being made generally by meeting, the likelihood of multi-disciplinary support, the prohibition on the professionals from assisting their clients in litigation (new professionals must be appointed) and court orders being made only by agreement during the process.
<i>Conduct</i>	for the authoritative explanation see Mostyn J in <i>OG v AG</i> [2020 EWFC 52 at para 34 ... but more briefly this is likely to refer to historic behaviours. In domestic abuse and children cases, it goes to the core of the safety of the parties for the future. In financial proceedings it refers to 1) the extremely high threshold of actions during the marriage (that might impact on the financial allocations of the marital resources); or 2) the relatively high bar of wasting resources that needs to be reflected in the

	order; or 3) the way that parties have behaved during litigation which is much more likely to have an impact on the outcome.
<i>Confidential</i>	refers to information and documents that are personal to an individual and which are in consequence protected from being used by anyone else until disclosed within the formal process.
<i>Consent order</i>	the order that is often made by application in writing without either side attending because both have agreed its contents
<i>Contact order</i>	archaic term describing an order requiring one person to co-operate in a child visiting, staying, having letter or telephone communication with another. (Formerly known as "Access" now known – not so snappily - as a "spending time with order")
<i>Contempt</i>	An act of disrespect to the court that could be reflected in a fine or imprisonment.
<i>The Co-respondent</i>	the person with whom the "respondent" has had a sexual relationship, thus forming the basis for an adultery petition; they are a rarer animal given that it is now considered good practice not to identify such persons by name. Come April 2022, with divorce reform, they will become a thing of the past.
<i>Costs</i>	can refer to (1) the order that one party pays a sum contributing to the fees incurred by the other (the court might make an order "applicant to pay [£* towards] [*% of the] respondent's costs ") (2) the fees incurred with the solicitor (the solicitor might say "my costs are £x") (3) more confusingly still, they might be referring to the overall sum that the client is due to pay or the smaller part of the bill that their firm is due to receive - ie the total of the bill including counsel's fees and court fees etc, or just the amount after vat that they will receive). Context is all.
<i>Counselling</i>	those who use counsellors might look at how the relationship could be put on a stronger footing (in individual counselling or more often couple counselling) or, recognising the end of the relationship, individual counselling might help an individual to make sense of what has happened, how it should now be managed for the best and how any children can best be supported ... and thus avoid struggling to find answers to these points at far greater cost (for less competence) with their lawyer
<i>Decree</i>	a form of divorce order: Decree Absolute (the final order of a divorce, ending the marriage) or Decree Nisi (the unavoidable step before Decree Absolute where the parties know that the marriage will be ended when an application is made as required). A Petitioner can apply for the Decree Nisi to be converted into a Decree Absolute after six weeks have passed from the Decree Nisi. The

	Respondent can only ask the court to so convert after a further three months have passed. These terms will largely pass come April 2022.
<i>Detailed assessment</i>	the process by which the court decides what sum you should pay towards your lawyer or the costs of your opponent, if an order for costs has been made against you (see “taxation”, which was the old name for this and “costs”)
<i>Directions</i>	orders made by a court at an interlocutory stage directing parties to take the steps required to ready a case for determination.
<i>Direct Access</i>	refers to barristers willing to receive instructions from a litigant directly and without the intermediary of a solicitor ... can work for those who have run their case as a “litigant in person” and who are now facing a hearing. Sometimes such litigants will be directed parties back to solicitors anyway to help manage complexity / continuity and ensure proper case-preparation
<i>Disclosure</i>	the process of providing information or the information that is provided
<i>Discovery</i>	The more specific documents that are produced as part of the disclosure process.
<i>Domicile</i>	you are domiciled in a country which has its own separate legal system or jurisdiction – important where there are a number of different counties’ courts that might have ‘jurisdiction’
<i>A “Duxbury” lump sum</i>	the fund paid by one spouse to the other, calculated by reference to a range of financial and actuarial assumptions, to provide a stream of income. It is thus a tool which enables a future stream of maintenance to be replaced by a lump sum. For example, a person might pay a sum of £100,000 to a spouse aged 60 to provide them with an income of about £10,000 a year (including their pension) for the rest of their life. The term “capitalised maintenance” is the same territory.
<i>DX</i>	a postal system operating between most solicitors, barristers, banks, mortgage lenders etc; next-day delivery is pretty much guaranteed and losses are rare ... but who puts anything in the post anyway these days?
<i>Ear-marking</i>	see pensions
<i>ENE</i>	stands for Early Neutral Evaluation, which generally involves a neutral facilitating agreement or at least progress towards an agreement through giving indications as to the likely outcome of a litigated outcome.
<i>England & Wales</i>	the jurisdiction in relation to which we can give advice: England and Wales is a unit for the purposes of family law and the laws it writes and precedent (see ‘statute’ below) it creates apply to all families who are subject to its laws.

<i>Fact find</i>	the court hearing in children proceedings that has as its goal the determination of disputed issues of fact (often around abuse and safety) upon which the rest of the determination will then proceed.
<i>Family Procedure Rules 2010</i>	the code setting out the steps & stages and the court rules for dealing with the applications made to it in connection with separation and divorce and its consequences.
<i>Fees</i>	the sum charged by counsel or by the solicitor or other professional - or indeed by the court (as in "court fees") or the land registry. Worrying how as a profession words we have words like fees and costs that are so important but so slippery!
<i>FDR/ Financial Dispute Resolution hearing</i>	<p>the second court hearing in the court's process for determining financial applications, at which the judge endeavours to help the parties broker a settlement of the financial claims.</p> <p>The Private FDR or pFDR refers to a process with the hall-marks of the FDR, including presentations by each side, an indication from a judge and efforts to broker agreement, save that in the place of a judge is a respected lawyer providing that service to the parties on the basis of a fee. The parties then free themselves of, for example the difficulties of a wait for an appointment or lack of time and facilities at court so as to give greater hope of conclusion and usually at lower cost too</p>
<i>Financial consultant</i>	also "financial planner" "IFA" "Independent Financial Advisor" "Financial Planner" – part of the team of the well-advised ... they will assist your understanding the resources you have and help you to plan for the future ... they will translate into "on the ground" plans the share of the resources that the family lawyers aim to secure for you, plotting safe investments and ensuring that you are best able to achieve your goals from the share of resources that eventuates from the negotiations / court order. Some will also help you at the coal-face of negotiations.
<i>Financial Remedy</i>	the range of orders that a court can make to redistribute assets and provide for maintenance payments
<i>FHDRA</i>	in parenting proceedings, the first attendance at court is the First Hearing and Dispute Resolution Appointment, which will settle the case if it can and otherwise map out the future conduct of the case leading to the final determination.
<i>First Appointment</i>	the first stage in the court's process for determining financial applications, at which the judge identifies the issues and timetables the production of information that will be required to enable the case to move forward.
<i>FJYPB</i>	this is a diverse board of children and young people providing insight to the family justice sector on the perspectives of young people – see https://www.cafcass.gov.uk/family-justice-young-peoples-board/
<i>Form A</i>	the form that starts financial remedy proceedings

<i>Form E</i>	the bulky standard form document which is completed in financial cases to confirm the resources and needs of the person completing it
<i>Form H</i>	a form served before each hearing by which each party confirms a) the costs that they have incurred up to the hearing and b) the costs that they expect to incur to the next stage
<i>Forum</i>	the country in which the legal proceedings will advance, so a “forum fight” refers to a contest between different court jurisdictions for the case. Also “ <i>forum conveniens</i> ” which refers to the doctrine that the court may apply which is to determine the court that is most appropriate or convenient to determine a legal contest.
<i>Gatekeeping</i>	an early part-judicial, part-administrative step when preliminary routing of a case is determined by a court officer exercising quasi-judicial powers
<i>Global order</i>	a type of maintenance order between spouses that encompasses the payer’s obligation to pay child maintenance (so it is one global sum set out as a spousal periodical payments award).
<i>Guardian</i> <i>Special Guardian</i>	the former is likely to be appointed when both of a child’s parents have died. They will have parental responsibility for the child and are likely to care for the child. The appointment may be made by the parents in their Wills or by the court. A special guardian is appointed usually to care for a child until the child is 18 because a) they cannot live with their birth parents and b) adoption is not the right answer for them.
<i>Habitual residence</i>	With domicile one of the key tests that courts will use to decide whether they have jurisdiction to decide a case. ‘Hab res.’ refers to where someone is living out their life with a degree of permanence. It is of importance in deciding whether a court or other body like the CMS has jurisdiction (power) to decide legal disputes that might arise.
<i>HFEA</i>	Human Fertilisation & Embryology Authority – also might refer to the various statutes that lay out the specific rules as regard legal parentage.
<i>Hybrid</i>	generally used as a term for “hybrid mediation” – a process that is likely to see the mediator involving the legal advisor teams to a greater degree and probably shuttling between the two parties. The intention is to give the benefits of an exploration of settlement in a privileged environment whilst also ensuring the parties have the support of their advisors
<i>Indexation</i>	usually used to refer to the automatic increases to a periodical payments order each year to iron out the effects of inflation and referencing RPI or now more usually CPI
<i>IDVA</i>	Independent Domestic Violence Advocate/ Advisor – does what it says on the tin – see https://saferfutures.org.uk/our-programmes/idva/
<i>IFLA</i>	The Institute of Family Law Arbitrators - see arbitration above

<i>IHT</i>	Inheritance Tax which may be charged on the value of a person's estate (generally) at death
<i>Indemnity</i>	an order that one party cover all losses claims and incidental costs that flow from a particular aspect, for example indemnifying against a mortgage would require holding the other party safe from all claims made by the mortgage company
<i>Indemnity costs / Standard costs</i>	Good to get, horrid to pay: indemnity costs would usually only be awarded where the court disapproves of the way that a case has been conducted. It is likely to involve making a payment to the other side of a high proportion of their total legal bills (perhaps up to 95%). If a costs order is made (an order that one contributes to the legal costs incurred by the other) this is likely to be a Standard costs order and likely to involve a payment of between, say, 65% and 85% of the actual costs incurred
<i>Inheritance Act claim</i>	see I(PFD)A
<i>Injunction</i>	a court order that requires action or prohibits action
<i>I(PFD)A</i>	refers to the Inheritance (Provision for Family and Dependents) Act 1975, which gives spouses, former spouses and children (as well as others) the right to claim capital or monthly sums from the estate of a person who has died. (The Act also gave the courts the power to terminate the right to make those claims in the future when hearing the financial claims at the time of divorce)
<i>Issue</i>	the process of making a court application by completing the relevant form, paying the fee and having it sealed by the court. The application is then referred to as "issued" and is ready to be "served". (See also Statement of Issues, which is a different thing altogether).
<i>Intestacy</i>	the grossly negligent act (usually) of dying without a will ("he has died intestate"). Intestacy laws lay down the rules by which "an intestate's" estate are divided between family members, not always in a terribly helpful way. See https://www.gov.uk/inherits-someone-dies-without-will/y
<i>ISW or Independent Social Worker</i>	the CAFCASS officer is usually the one appointed to give reports on the welfare of a child where the court is deciding a question between parents involving children.
<i>JSE or Joint single expert</i>	an independent professional, appointed usually by order of the court to give expert guidance to the court about things such as property values or tax, or to give psychiatric assessments etc. (See also "Part 25 expert")
<i>Joinder</i>	the technical term that involves a third person outside the litigation being joined to it. For example a person who says that they are the ones who own or have rights to a property might be joined to the litigation between

	spouses so that the issue as to the true extent of the couple's resources can be worked out.
<i>Joint tenancy</i>	see severance of joint tenancy
<i>Jurisdiction</i>	refers to having legal power or authority [to][over] someone or a dispute. For example, the courts in England & Wales have jurisdiction to decide family law issues [broadly] for those habitually resident within that geography or who are domiciled there. The courts do not have jurisdiction to decide general child maintenance issues where the Child Maintenance Service has jurisdiction, because that is what Parliament decided in section 8 of the Child Support Act 1991.
<i>Leave to remove</i>	refers to permission to take a child out of jurisdiction, usually permanently, ie to live abroad (see also relocation)
<i>Litigant</i>	simply a person engaged in litigant and with variants, in particular the <i>litigant in person</i> the one who is acting without a lawyer, who would be termed "pro se" in America and elsewhere. See also "McKenzie friend"
<i>Lump sum</i>	one of the orders that may be made for one spouse to provide for the other – the fuller list is <ul style="list-style-type: none"> - <i>Periodical payments (or maintenance) for spouse or for children</i> - <i>Lump sum</i> - <i>Transfer of property (or settlement of property or nuptial trust variation)</i> - <i>Pension orders</i> - <i>Inheritance act claim (whether to terminate the right to make a claim against the spouse's estate if they predecease)</i>
<i>McKenzie friend</i>	A litigant in person may elect to have someone with them in court ... they are not their advocate but they are a person who can help them, mutteringly, to present their case.
<i>MADA</i>	Mediation and domestic abuse an initiative coming from the Family Solutions Group working party's report " <u>what about me</u> "
<i>Mediation</i>	a process of negotiation between the couple, assisted by a professional(s) who may also be a lawyer; it runs (or should do) alongside the partisan advice that the parties each obtain from their own lawyers and offers a different way for couples to resolve themselves the issues they face
<i>A "Mesher" Order</i>	an arrangement that does its best to address a common problem where resources are limited, where on the one hand it would be good for the children to stay in the property they know, but on the other, inappropriate for the other parent to lose altogether the value in the property. The court allows the financially dependent party plus the children to stay in the property; but on certain trigger events (perhaps marriage, cohabitation for a certain period, a child reaching a certain age, a particular date, or a combination of some or all of them), there is a

	sale; and the proceeds are then shared between the two parties (with the waiting party usually being hit by CGT)
<i>Memorandum of understanding</i>	the part of the mediation documentation that expresses the proposed deal
<i>MIAM</i>	the Mediation Information and Assessment Meeting that will usually pre-date any application to the court: the Applicant should hear about the possibility of mediation's delivering an appropriate solution away from court and ideally the respondent will attend too so as to see whether a successful mediation can be generated
<i>Molestation – as in non-molestation injunction</i>	refers to the court order prohibiting (usually) most forms of conduct that could in any way harass or pester the applicant
<i>MPS</i>	stands for maintenance pending suit which is the technical if archaic way of referring to maintenance or periodical payments made between parties before the final decree of divorce
<i>N260</i>	sit up and take note if you receive one: the other party is asking that you pay their costs or contribute towards their costs, because of litigation conduct. The form must be served on you or your representatives 24 hours before the hearing to which it relates.
<i>Narcissism</i>	well no time for a small book here ... but 1. Bill Eddy would say that it is a common feature of the high conflict personality, so prevalent & difficult to manage at the point of separation 2. For others, it is a glib categorisation that fails to capture the complexities of reactions to the stress of unanticipated change and a place where family members & mere family lawyers, should be careful to tread without written diagnoses from an appropriate professional
<i>Needs</i>	one of the two great tools used by the court in its pursuit of the fair outcome in financial remedy cases. Its sibling “sharing” looks backwards to identify matrimonial property which is divided, usually equally by value ... needs then looks forward perhaps to adjust that allocation to give each party the fair start on the road to independent living.
<i>Nesting</i>	a child-care arrangement that sees the children staying put in the home (the nest) whilst the parents take turns swopping in and out to provide care. Generally requires a significant level of sacrifice and tolerance, around housework, new relationships and so on so not for the faint-hearted or perhaps for the long-term.
<i>Open</i>	generally used in relation to correspondence and in contrast to “without prejudice”. <ul style="list-style-type: none"> - Without prejudice correspondence generally sees the parties making offers to try to find settlement for a case. - It is hidden from the sight of the court (for most hearings). - But when we write “open” we are stating a position that we intend the court to see, usually as a precursor to the issue of an

	<p>application and where we may ask the court to take note of our open stance and – if we are proved right – to make an order that the recipient pay the costs of the person writing openly in relation to the matters being discussed in that correspondence.</p> <ul style="list-style-type: none"> - A more specific and formal version of this is the “notice to admit facts”.
<i>Our Family Wizard – also OFW</i>	<p>an app to carry records and permit better communication and analysis, used by parents to promote co-operative parenting. See https://www.ourfamilywizard.co.uk/</p>
<i>Parenting Plan</i>	<p>a document often generated in mediation that records the parties agreements as to principles and specifics for the care and upbringing of their child(ren). Many regard it as a bulwark against later disagreements ending in court. If this happens anyway, it is attached to the C100.</p>
<i>Parental responsibility</i>	<p>a term referring to all the rights, duties, powers, responsibilities and authority which a parent can have in relation to a child. In assisted reproductions advice is likely to be needed, see HFEA</p>
<i>Part 25 Expert</i>	<p>the professional appointed to give expert evidence under the regime laid down by FPR 2010 Part 25, which might be around property or company valuation, options relating to a pension, parenting capacity, tax and so on</p>
<i>Pensions</i>	<p>may be state-provided or provided by private institutions. Usually it will be most economic to involve a pensions specialist to provide recommendations if mistakes or loss of value are to be avoided:</p> <ul style="list-style-type: none"> • <i>Attachment</i> (formerly “ear-marking”) will siphon a specific share of benefits to the spouse at the point of receipt– much of which is conditional on not having remarried beforehand • <i>Sharing</i> (formerly “splitting”) creates a second and separate pension fund for the spouse either with the same provider (the “internal transfer”) or with a new provider (the “external transfer”) • <i>Offsetting</i> – no specific arrangements are made in relation to this pension – it is left with the prospective pensioner because that is appropriate in the circumstances of the other financial arrangements being made <p><i>PAG1</i> is the crucial professional guide to some of the challenges in dealing with pensions https://www.judiciary.uk/related-offices-and-bodies/advisory-bodies/fjc/latest-news/guidance-on-the-treatment-of-pensions-on-divorce-a-guide-for-professionals/</p> <p><i>PAG2</i> is the translation of that guidance a great manual for individuals starting out and wanting to understand how pensions might be dealt with on divorce https://www.advicenow.org.uk/pensions</p>
<i>The Petitioner</i>	<p>the spouse who presents a petition; they will generally continue to be referred to as “the Petitioner” throughout the proceedings – see also “respondent” and “co-respondent” and “applicant”</p>

<i>Position statement</i>	A document lodged by an advocate prior to the hearing setting out for the judge the core elements in their case
<i>Pre-nup – also “post nup”</i>	<p>refers to a specific sort of agreement, usually prepared with the 7 pillars laid out in the Law Commissions February 2014 paper numbered 343 in mind whereby fiancé(es) agree a structure of arrangements before a marriage in case they come to separate. This structure then becomes a starting point – and often an end point to the arrangements upon separation.</p> <p>Radmacher v Granatino generated this thought in the Supreme Court “<i>The court should give effect to a nuptial agreement that is freely entered into by each party with a full appreciation of its implications unless in the circumstances prevailing it would not be fair to hold the parties to their agreement</i>”. A post nup is simply the sibling of the pre-nup, agreed and signed after the marriage.</p>
<i>Port Alert</i>	<p>The emergency process that seeks to prevent abduction of a child by notification to airports of the likelihood of a removal being underway.</p> <p>https://www.gov.uk/government/news/parental-child-abduction-know-the-law</p>
<i>A prohibited steps order</i>	forbids the taking of certain steps in relation to a child, eg removing them from the UK or the care of a certain person
<i>“Privilege”</i>	refers to the documents that are exempted from the obligation to disclose – crucially this will be communications with professionals about the case (for example, correspondence and advice letters between solicitors, barristers and you, the client are privileged from disclosure), but also documents that have been exchanged, relying upon the negotiation privilege of without prejudice
<i>Questionnaire</i>	Often the form E disclosure will leave gaps or leave things unclear. Each party can raise questions of each other, for approval by the court at the First Appointment in financial remedy cases, and they then need to be answered within the time period directed by the court (usually 14-28 days afterwards).
<i>Reasonable requirements</i>	what used to make the world go round until the arrival of <i>White v White</i> at the House of Lords in October 2000 (see below)
<i>Relocation</i>	the proceedings relating to an application for permission to change the residence of a child: within the jurisdiction (“internal relocation”) or abroad (“external relocation”) (previously “leave to remove”)
<i>Remuneration Certificate</i>	the certificate issued by the Solicitors Regulation Authority confirming the level of fees that it considers appropriate to be charged. It is only obtained on request from the client complaining about their solicitor’s bill (or occasionally at the instigation of the solicitor themselves). The process is

	not available once proceedings are issued. Here the court will carry out the determination (see “detailed assessment” and “taxation”)
<i>Residence order</i>	used to settle the arrangements about where a child should live. After the Children and Families Act 2014, it became called a “child arrangements order”. Prior to 1991, it was termed "Custody")
<i>Respondent</i>	refers to the party in the proceedings who is responding to the Applicant’s proceedings, which of course gets very confusing where a husband petitions for divorce, the wife issues proceeding for financial remedies and the husband applies within those proceedings for an injunction. Wife or husband can then each be the Respondent, depending on which bit of the proceedings are being referred to. Judges often resort to “husband” and “wife”, even when the divorce has long completed
<i>Retainer</i>	Could solicitors have anything as simple and straight-forward as “terms of business”? Of course not. We have a “retainer” which refers to the whole range of contractual and professional obligations to our client and the terms on which our client instructs us
<i>Safeguarding</i>	the concept that those managing process (eg courts/ mediators/ arbitrators) seek to run a process that is a) safe for those participating in it; and b) generates outcomes that are safe for all involved. Safeguarding is the information gathering process that should ensure that these aspirations are met wherever possible.
<i>“Schedule 1”</i>	We get it. Family law at its most impenetrable and yet the term is very common. “ <i>Schedule one of what?</i> ” is the reasonable retort ... well it is of the Children Act 1989, where is set out what are the financial claims that can be made for the support of a child. It is a key regime for the parents of children who have not married.
<i>Scott schedule</i>	code for a table with you-say / I-say set side by side
<i>“Search and seize”</i>	an order granted by the court authorising (usually) a neutral solicitor to enter premises to look for, identify and take information relevant to a particular issue. These orders are hard to get (available only in particularly difficult situations), expensive to implement and have profound impacts on goodwill in the process: probably never to be used by the faint-hearted nor in marginal circumstances
<i>Section 7 report</i>	we are back in the Children Act 1989. Under the heading “welfare report”, section 7 gives the court power to direct that a report is given to help the court hear about the child’s wishes and feelings relevant to the issue that it is seeking to determine. The work and report is then carried out by an appropriate expert (see ‘CAFCASS’ and ‘ISW’ above) who may appear as a witness later in the case. You would think we might all use the term “welfare report” to help.

<i>Section 8 order</i>	refers to s8 of the Children Act 1989 which created "the residence order", "the contact order" (now both called "child arrangement orders") "the specific issue order" and "the prohibited steps order"
<i>Section 8(5) order</i>	Refers to a different Act entirely: Child Support Act, which gave the court power to make orders for maintenance for children where their parents are agreed about the level and wish to exclude the CMS
<i>Section 25 factors</i>	refers to s25 of the Matrimonial Causes Act, which lays down the factors the court should consider before exercising its powers to divide the finances and make maintenance orders, including in particular, needs, resources, age, length of marriage and standard of living during the marriage
<i>Serve</i>	the process of delivering formally a court document to those who must be notified of it. Generally documents are "served" by post or "DX"; some procedures have special requirements dictating that the documents are delivered personally
<i>Severance of joint tenancy</i>	where two or more people own property, they will often hold it as joint tenants (if one dies their share goes automatically to the other) or as tenants in common (their share in the property is dealt with according to their will or the rules of intestacy if there is no will). Severing the joint tenancy converts the joint tenancy into a tenancy in common. It is a step that needs to be considered early on when consulting a solicitor
<i>Sharing</i>	see 1) pensions 2) "needs" ... <ul style="list-style-type: none"> - a pension share is a specific order that divides the benefits of a pension by stripping from the pensioner a share that is then formed into the separate pension of the spouse. - "Sharing" on the other hand is the much broader principle that matrimonial property (ie property that is 1. Marriage-generated; or 2. Marriage-integrated property) is divided - usually equally - between spouses
<i>Slip rule</i>	the court has power to correct genuine errors, accidental slips or omissions in its order.
<i>Specific issue order</i>	contains directions to resolve a particular question which has arisen in relation to a child (eg where they should go to school).
<i>SPIP</i>	also SPIP+, PIP, PAP, "parenting after parting" etc. The SPIP was one of the progeny of a prague spring in 2007/8 when Christina McGhee , Denise Ingammels, Duncan Fisher, Resolution and others sought to bring children and common sense centre stage to the separation process, promoting child-centric separations, paced and managed according to the needs of children and moving towards arrangements that would best promote children's well-being. They sought to promote best possible parenting, co-operative parenting and structures authored by parents that would flex with the complexity and changing needs of the two-home family.

<i>Standard costs</i>	see “indemnity costs”
<i>Statement of Issues</i>	the items identified by each side before the First Appointment hearing in financial remedy proceedings that each side says the court must determine to be able to settle the case ... this will then inform the disclosure and questions that the court should order be answered.
<i>Statement of Truth</i>	a technical term referring to the prescribed declaration that the contents of a document are true and which therefore carry with them the potential consequence of perjury sanctions.
<i>Statutes</i>	<p>the Acts of Parliament that lie at the core of how the court is empowered and required to deal with the applications that are made to it. These may be fleshed out by Regulations and then guidance is given on the application by prior cases in senior courts, called the doctrine of precedent. Key statutes are:</p> <ul style="list-style-type: none"> • MCA’73 (the Matrimonial Causes Act 1973), which lays down the law as regards divorce and allied financial claims • I(PFD)A’75 (the Inheritance (Provision for Family and Dependants) Act 1975, defining the claims that can be pursued against the estate of a deceased person • CA’89 (the Children Act 1989) lays down the approach to resolving parenting disputes and, in its Schedule, the financial claims that can be made in relation to children • CSA 1991 (the Child Support Act 1991), with its myriad formulae and rules defining who pays what for children under the DWP’s system administered by the Child Maintenance Service • FLA’96 (the Family Law Act 1996) lays down in particular the routes to personal protection and injunctions for protection in the home • ToLaTA’96 (the Trusts of Land and Appointment of Trustees Act 1996), confirming how the court is to approach financial claims raised on an equitable basis independent of the discretion that exists where there is a marriage • AA’96 (the Arbitration Act 1996) the law lying behind the IFLA scheme by which arbitration services are delivered in this country.
<i>The Statutory Charge</i>	refers to the right of the Legal Services Commission to recover, with some exceptions, the costs incurred under a legal aid certificate from what has been in issue in the proceedings. Where neither side has had legal aid, the statutory charge plays no part
<i>Support through Court</i>	a valuable and stretched charity seeking to help those running their own case through the courts (see also “litigant” and “direct access”) - https://www.supportthroughcourt.org/
<i>Tax year of separation</i>	the period running from the point at which spouses separate through to the 5 th of April afterwards, during which transfers between spouses do not count as a disposal (thus permitting assets being passed between the parties without triggering a charge to CGT, in effect permitting the latent liability to be postponed until a later final disposal)

<i>Taxation</i>	this has nothing at all to do with tax, but was the process by which the court assessed the level of costs that should be paid. (It is now called “detailed assessment” but the old word may still be used)
<i>Tenancy in Common</i>	see “severance of joint tenancy”
<i>TOLATA</i>	see under “statutes” above
<i>Transparency</i>	an increasingly powerful driver in the administration of justice in the family courts that may lead to the media being admitted to court hearings that we might much prefer are conducted in private and behind closed doors.
<i>Trust</i>	whilst the word may turn up in its everyday clothes in common usage, it is also a technical term, broadly referring to the idea that the formal ownership of an asset may or may not reflect who actually gets to have use of and enjoy the asset. Briefly legal owners hold the beneficial interest <i>on trust</i> for beneficiaries and on that application of that concept to the specific day to day circumstances may turn tens of thousands of pounds of costs and many times that in terms of eventual benefits for those involved in the case.
<i>UNCRC</i>	<i>The United Nations Charter on Rights of the Child</i> – the UK signed the convention in 1990, ratified it in 1991 and it came into force in 1992. The courts will routinely use the self evident truths contained in the UNCRC, (see https://www.unicef.org.uk/what-we-do/un-convention-child-rights/) as a reference point in judgments and decisions although it is not legally binding upon them.
<i>Undertaking</i>	a promise that should be treated as a solemn assurance to the court. The person giving it may be sent to prison or fined if breached (but very rarely is).
<i>Variation</i>	another of those context dependent words ... it could for example refer to 1) the process of altering a court order (usually for spousal maintenance but also child maintenance and occasionally a lump sum by instalments order) because of changed circumstances 2) a modification to child support provision under the CMS because of the presence of a particular feature (for example other income/ diversion/ notional income from assets) or 3) application for a change to a parenting arrangement order
<i>Welfare checklist</i>	see section 1 of the Children Act 1989. Wherever a court makes a decision about the upbringing of a child, the child’s welfare is the court’s paramount consideration and a checklist of circumstances MUST be considered, including

	<ul style="list-style-type: none"> - The child's wishes and feelings in the light of their age and understanding - The child's needs - The effects of change - The child's age, sex, background - The harm that the child has suffered or is at risk of suffering - The relevant adults' capacity to care for the child - The range of the court's powers
<i>"White v White"</i>	the ground-breaking case that required family law professionals to look at dividing things equally in two, or think about why this was inappropriate
<i>Will</i>	the document without which so many of us crazily choose to die; an item which should be an early agenda item with your solicitor
<i>Without Prejudice offer</i>	is one that "may not prejudice the court" and so it is prevented from ever being shown to the court. It is an attempt to find a settlement and save costs and so cannot be shown to the judge, save that the judge hosting the FDR, the court's settlement meeting, certainly will see them and will base their interventions upon how to close the gap between the parties' positions