

# Identify Common Family Law Terms

## Alimony

**Alimony** (also called **aliment** (Scotland), **maintenance** (England, Ireland, Northern Ireland, Wales, Canada), **spousal support** (U.S., Canada) and **spouse maintenance** (Australia) is a legal obligation on a person to provide financial support to their spouse before or after marital separation or divorce. The obligation arises from the divorce law or family law of each country.

## Child custody

**Child custody** is a legal term regarding *guardianship* which is used to describe the legal and practical relationship between a parent or guardian and a child in that person's care. Child custody consists of *legal custody*, which is the right to make decisions about the child, and *physical custody*, which is the right and duty to house, provide and care for the child. Married parents normally have joint legal and physical custody of their children. Decisions about child custody typically arise in proceedings involving divorce, annulment, separation, adoption or parental death. In most jurisdictions' child custody is determined in accordance with the best interests of the child standard.

## Child Support

In family law and public policy, **child support** (or **child maintenance**) is an ongoing, periodic payment made by a parent for the financial benefit of a child (or parent, caregiver, guardian, or state) following the end of a marriage or other relationship. Child maintenance is paid directly or indirectly by an *obligor* to an *obligee* for the care and support of children of a relationship that has been terminated, or in some cases never existed. Often the obligor is a non-custodial parent. The obligee is typically a custodial parent, a caregiver, a guardian, or the state.

Depending on the jurisdiction, a custodial parent may pay child support to a non-custodial parent. Typically one has the same duty to pay child support irrespective of sex, so a mother is required to pay support to a father just as a father must pay a mother. In some jurisdictions where there is joint custody, the child is considered to have two custodial parents and no non-custodial parents, and a custodial parent with a higher income (obligor) may be required to pay the other custodial parent (obligee). In other jurisdictions, and even with legally shared residence, unless they can prove exactly equal contributions, one parent will be deemed the non-resident parent for child support and will have to pay the other parent a proportion of their income; the "resident" parent's income or needs are not assessed.

In family law, child support is often arranged as part of a divorce, marital separation, annulment, determination of parentage or dissolution of a civil union and may supplement alimony (spousal support) arrangements

## Coparenting

**Coparenting** is an enterprise undertaken by two or more adults who together take on the socialization, care, and upbringing of children for whom they share responsibility. Coparents may include a variety of configurations, including a mother and a father, two mothers, two fathers, a parent with an adult sibling or grandparent, or a parent and another adult relative. The coparent relationship differs from an intimate relationship between adults in that it focuses solely on the child. The equivalent term in evolutionary biology is biparental care, where parental investment is provided by both the mother and father.

The original meaning of coparenting was mostly related to nuclear families. However, since the United Nations Convention on the Rights of the Child, 20 November 1989, the principle that a child has to continue to maintain a strong relationship with both parents, even if separated, has become a more recognized right. Thus, the concept of coparenting was extended to divorced and separated parents and to parents who have never lived together.

## Discovery

**Discovery**, in the law of common law jurisdictions, is a pre-trial procedure in a lawsuit in which each party, through the law of civil procedure, can obtain evidence from the other party or parties by means of discovery devices such as interrogatories, requests for production of documents, requests for admissions and depositions. Discovery can be obtained from non-parties using subpoenas. When a discovery request is objected to, the requesting party may seek the assistance of the court by filing a motion to compel discovery.

## Equitable Division

An **equitable division** (EQ) is a division of a heterogeneous object (e.g. a cake), in which the subjective value of all partners is the same, i.e., each partner is equally happy with his/her share.

## Legal separation

**Legal separation** (sometimes **judicial separation**, **separate maintenance**, **divorce a mensa et thoro**, or **divorce from bed-and-board**) is a legal process by which a married couple may formalize a *de facto* separation while remaining legally married. A legal separation is granted in the form of a court order. In cases where children are involved, a court order of legal separation often makes child custody arrangements, specifying sole custody or shared parenting, as well as child support. Some couples obtain a legal separation as an alternative to a divorce, based on moral or religious objections to divorce

Legal separation does not automatically lead to divorce. The couple might reconcile, in which case they do not have to do anything in order to continue their marriage.