

## **FAMILY LAW TERMS**

(The following term explanations have been simplified and do not reflect the precise definitions in the statutes or case law.)

**Alimony:** Now called “maintenance.” Money paid by one spouse to another to help meet the reasonable monthly needs of the person receiving the alimony. (Note: The amount and duration of the payments is based on the criteria set out at CRS 14-10-114).

**Alternate Payee:** A party in a dissolution, legal separation or declaration of invalidity action who is not the participant of the retirement plan to be divided, but who was married to the participant and who is to receive all or a portion of the participant’s retirement plan.

**Antenuptial Agreement:** Agreement of the parties entered into by them prior to marriage. Also called Pre-nuptial Agreements.

**Best Interests of a child factors for parenting time.** A series of factors are considered, including but not limited to, wishes of the parents, wishes of the child, interaction and interrelationship of the child and the parents, child’s adjustment to his home school and community, mental and physical health of the people involved, ability of the parties to encourage the love, affection and contact with the other party, whether there has been child or spousal abuse, and the ability of a parent to put the child(ren)’s needs ahead of his/her own. (CRS 14-10-124)

**Child and Family Investigator:** Attorney or mental health professional or other qualified person appointed by the Court to investigate and do a report and recommendations regarding certain issues directed by the Court, taking into consideration the best interests of the child(ren). This person may be called as a witness. (CRS 14-10-116.5).

**Child Care Adjustment:** Amount paid for child care for a parent to work, job hunt, or go to school, not to exceed level required to provide quality care from a licensed source.

**Child Support:** Money paid by one parent to another for support of the child(ren) until the child is nineteen, except support is also paid while the child is attending high school until a month after graduation if the child is still under 21, or beyond age 19 if the child is physically or mentally disabled, or if the parents have a written agreement with other terms. A child is emancipated when the child is married, or goes into military service. (CRS 14-10-115)

**Child Support Guidelines:** A set of definitions and calculations to determine the amount of child support to be paid. (Note: See CRS 14-10-115)

**Child Support Worksheet A:** A worksheet for calculating child support when one parent has the child(ren) for over 75% of the overnights.

**Child Support Worksheet B:** A worksheet for calculating child support when neither parent has the child(ren) less than 25% of the overnights.

**Common-law Marriage:** Married through the intention of being married and/or having the reputation in the community for being married, but no formal marriage ceremony.

**Contempt:** Court action for sanctions for failure or refusal to comply with a court order.

**Contribution:** What each spouse contributed or gave to the marriage, including wages, being a homemaker, etc.

**Decision-making:** The power of a parent to make decisions concerning the child(ren) in such areas as education, health, religion, extra-curricular activities. Each area of decision-making can be allocated to either of the parents or shared.

**Declaration of Invalidity:** Formerly known as annulment, finding the marriage was not valid from the date it commenced. Examples: one spouse lacked ability to consent due to mental incapacity, being under the influence of drugs; one spouse being of close family relationship such as sister, niece of the other spouse, being under age, misrepresentation about something essential to the marriage, duress, lack physical capacity to consummate the marriage and the other spouse did not know, already being married.

**Decree:** Final Court Order regarding the marriage status, another word for “judgment”

**Defined Benefit Plan.** A plan that usually provided benefits to a “participant” based on a formula using that person’s highest average salary, age, and service credit at the time of retirement.

**Defined Contribution Plan:** A plan that provides for an individual retirement account of the participant based on the amount contributed to the participant’s account. (Example is a 401(k) account or Thrift Savings Plan).

**Disposition of Property:** Dividing the property acquired by the parties, including personal property and real property. Real property is real estate. (CRS 14-10-113)

**Dissolution of Marriage.** Formerly known as “divorce.” A case to end or dissolve the marriage.

**Extraordinary expenses:** Reasonable and necessary expenses for a child’s special or private school, transportation costs for a child under 12 and an accompanying adult, or other special factors needs of the child, to be put into a child support worksheet when agreed to by the parties or ordered by the court.

**Income Assignment:** Process for payment of child support or maintenance by direct deductions from the employment income of the party who has been ordered to pay child support or

maintenance.

**Irretrievably broken.** There is no chance of reconciliation or fixing the marriage. Statutory term to get a dissolution of marriage or a legal separation which replaces earlier law requiring “grounds” for divorce.

**Legal Representative.** An attorney appointed by the Court to represent the best interests of the child, who actively participates in the case, but is not called as a witness. (CRS 14-10-116).

**Legal Separation:** Parties are still technically married but they can request all the same division of property, child support, allocation of parental responsibilities as in a Dissolution of Marriage. The Decree of Legal Separation may later be converted to a Decree of Dissolution of Marriage if both parties agree during the first six months after the Decree, or if only one party wants to request it after the first six months after the Decree of Legal Separation. Some people used to call it “separate maintenance.”

**Maintenance.** Formerly called “alimony.” Money paid by one spouse to another to help meet the reasonable monthly needs of the person receiving the alimony. (Note: The amount and duration of the payments is based on the criteria set out at 14-10-114).

**Mandatory Disclosures.** List of financial documents each party must provide to the other party, including sworn financial statement, bank statements, income tax returns, credit card and other debts, deeds, insurance policies and costs, retirement accounts, child care costs. See Form 35.1 for full list.

**Marital Agreement:** Agreement entered into by the parties prior to or after marriage that may have terms regarding division of property and other matters. It must meet certain criteria under law for the court to enforce it as part of the dissolution, legal separation, or invalidity of marriage proceeding.

**Marital Fraction:** Number of months of marriage as the numerator over the number months of employment by the retirement plan participant times the benefit to be paid times the percentage to each party - usually one half. (*Hunt* case)

**Marital property:** Property acquired during the marriage by either spouse even if only one name is on it, except if acquired by gift, bequest or devise or other exceptions. See 14-10-113..

**Parental Responsibilities:** Formerly “custody”, a designation of who shall have the authority to make decisions on behalf of the minor children in particular areas, such as health, education, religion, general welfare, or extra-curricular activities, and how parenting time shall be structured.

**Parental Responsibility Evaluation (PRE):** An evaluation and report with recommendations done by a specifically qualified licensed mental health professional with concerning the disputed issues relating to the allocation of parental responsibilities for the child(ren). The evaluation

usually involves a thorough investigation, interviews with the parties, the child(ren), teachers, and others.(14-10-127).

**Parenting Coordinator:** Person appointed by the court as a neutral third party for up to two years to assist the parties in resolving disputes between the parties concerning their parental responsibilities and the implementation of the parenting plan. The parenting coordinator can not be the same person as the legal representative or the parental responsibility evaluator. ( See 14-10-128.1 ) The parenting coordinator does not make decisions in a dispute unless the parties specifically give that power to the parenting-coordinator pursuant to 14-10-128.3.

**Parenting-time.** Formerly known as “visitation”. The time a parent/party spends with a child. See best interests in this for factors to consider.

**Participant.** The person who is an active, inactive, or retired member of a retirement plan.

**Permanent Orders.** The final orders from the court regarding division of property and debt, parental responsibilities, child support, maintenance, etc. and these orders supercede and replace the “temporary orders.”

**Pre-Marital Agreement:** Agreement of the parties entered into by them prior to marriage. Also called Antenuptial Agreements.

**Register of Actions:** Record kept of all hearings, filings, and entry of orders and other court actions. Can be requested from the clerk of the court.

**Separate property:** Property owned by a party before marriage, property acquired in exchange for property owned by marriage or acquired by gift, bequest or devise, or by a valid agreement of the parties.

**Separation Agreement:** Agreement signed by the parties with provisions resolving maintenance, division of property, allocation of parental responsibilities, parenting time, child support, etc. The court will review the financial terms to determine if the provisions are “unconscionable.” Once the Separation Agreement is approved by and made an Order of the Court, it is enforceable like any other Court Order.

**Temporary Orders:** Court Orders for temporary child support, payment of bills, use of property such as the family home, temporary parental responsibility, maintenance, and other orders for the period of time from when entered by the court until Permanent Orders are entered.

**Unconscionable.** Not fair, reasonable or just after reviewing the economic circumstances of the parties

#### **IMPORTANT RESOURCES:**

See: Volume 4, title 14, article 10 of the Colorado Revised States (CRS)

Colorado State Judicial website [domestic forms](http://www.courts.state.co.us/) at [www.courts.state.co.us/](http://www.courts.state.co.us/)

## **FAMILY LAW CASE STEPS**

Summons and Petition (Dissolution, Legal Separation, Declaration of Invalidity, Parental Responsibility; Adoption)

Automatic restraining orders

Temporary Protection Order

Permanent Protection Order

Mandatory Disclosures and Sworn Financial Statement

Initial status conference/Judge or Family Court Facilitator

Parent Education Classes

Legal Representative

Child and Family Investigator

Parental Responsibility Evaluator

Appraisals/Valuations

Status Conference

Mediation

Temporary Orders

Permanent Orders

Decree

Appeals

Post-Judgment Procedures (Modification of Child Support, Parenting time, etc.)

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Adoptions/Consents/Relinquishment of Parental Rights/Termination of Parental Rights  
Name changes