Defining Family Law

This glossary of key family law terminology is designed to hep those navigating the legal system better understand the legalese (a fancy word for legal terms) used in their case.

Absolute Divorce	Declaration by a court that the marriage has been legally dissolved.
Separation Agreement	A written contract resolving issues that arise with marriage - such as property division, child custody, and financial support.
Child Custody	Refers to the legal matter involving children shared by parents, biological or adoptive. Legal Custody has to do with child welfare decisions (such as education and healthcare decisions), and Physical Custody has to do with where the child will reside physically from day to day.
Child Support	Financial support paid by one parent to the other parent or custodial caregiver to provide for the financial needs of a minor child.
Prenuptial or Postnuptial Agreements	A contract made before (PRE-) or after (POST-) the date of marriage between spouses that can outline how assets and debts are addressed during the marriage and/or in the event of a divorce. A Prenuptial Agreement (aka Premarital Agreement) can also include a spousal support/Alimony waiver.
Spousal Support	Financial support paid by a supporting spouse to a dependent spouse due to financial needs to cover necessary expenses. In North Carolina, the spousal support claims include: Postseparation Support and Alimony. In South Carolina, the spousal support claims include: Separate Maintenance and Support, Temporary Alimony, and Alimony.
Interim Distribution	Temporary division of property prior to the final division of the marital estate (including assets and debts).
Equitable Distribution	The legal process to divide property and debts created during the marital relationship in a fair and just manner.
Consent Order	A contract between parties, approved by a judge and entered into the court record, making it legally enforceable.
Alternative Dispute Resolution	Methods for resolving disputes outside the courtroom including mediation, arbitration and collaborative law.

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Defining Estate Planning

This glossary of key estate planning terminology is designed to hep those navigating the legal system better understand the legalese (a fancy word for legal terms) used in their case.

Estate	The accumulation of things owned or titled in the name of the deceased. This includes assets, debts and personal property (Examples: house, mortgage, or jewelry).
Will	A document that allows you to leave instructions for what you want to happen to your belongings when you pass away. This can cover things like your real estate and personal items. It can also cover who would take care of children in the event of your passing. You can even include instructions about how you wish to be remembered and how you wish for your final remains to be handled.
Executor	A person you choose to make sure your Will is followed as you detailed. This is the person the Court will direct their communications to upon your passing.
Intestate	Dying without a valid Will. In this situation, state laws (Intestate Succession) will determine who inherits the deceased's estate.
Trust	A private document, that can dictate what happens to things you own while you are living or after you are gone, like a Will. In order for a Trust to be able to control something, that item must be "held" by the Trust (a.k.a. titled in the Trust's name). Trusts can offer additional financial protections. Unlike a Will, this document does not need to be filed with Court once you pass away.
Trustee	A person you choose to hold and manage the items in the Trust for the benefit of the named beneficiaries. They are responsible for following and implementing the instructions in the Trust document.
Power of Attorney (POA)	During situations where you are unavailable or unable to make decisions or act on your own behalf, a Power of Attorney lets someone of act on your behalf. This can include a Financial or Healthcare Power of Attorney or Directive.
Probate	The Court process required to deal with the deceased's estate. It includes validating a Will, paying off debts, and distributing property. If there is a Will, the distribution process is guided by the wishes expressed within it. If there is no Will, the State has rules put in place by statute that guide the process.

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