

FAMILY LAW GLOSSARY

Absolute Divorce – An absolute divorce is the legal term for what is known as a divorce. In North Carolina, an absolute divorce is granted (1) after the parties have lived separate and apart for 12 consecutive months, or (2) incurable insanity.

Alimony – Alimony is financial support, which is paid on a monthly basis or in a lump sum by the supporting spouse to the dependent spouse.

Answer – An answer is a legal pleading filed by the defendant in response to the plaintiff's complaint. In the answer, the defendant admits or denies allegations asserted in the complaint.

NC Child Support Guidelines – The NC Child Support Guidelines provide the amount of child support to be paid based on the adjusted gross income of the parties and number of children in need of support. The Guidelines apply in all cases, although the court may deviate from them in certain circumstances.

Complaint – A complaint is the pleading filed by the plaintiff which begins the legal action.

Consent Order – A consent order is an agreement between the parties, which is entered as a court order and enforceable through the contempt powers of the court.

Dependent Spouse – To receive alimony, the court must find that the party seeking alimony is the dependent spouse. A dependent spouse is one who is actually and substantially dependent on the other spouse for maintenance or is substantially in need of support from the other spouse.

Distributive Award – Distributive award means payments made in a lump sum or over a period of time in fixed amounts, which is not alimony or similar payments for support and is therefore not treated as income for tax purposes.

Divisible Property – Divisible property means all real and personal property (1) received after the date of separation but prior to distribution that was acquired as a result of the efforts of one or both spouses during the marriage, (2) passive income from marital property received after the date of separation but prior to distribution, (3) increases and decreases in marital debt, and (4) all appreciation and depreciation in value of marital property and divisible property occurring after the date of separation but prior to distribution.

Equitable Distribution – Equitable distribution refers to the division of marital property upon separation. Upon application by a party, the court shall determine what property is marital and divisible property and shall provide for an equitable distribution of such property.

Marital Property – Marital property means all real and personal property acquired by either spouse or both spouses during the marriage and before the date of separation.

Post Separation Support – Post separation support is temporary spousal support awarded prior to a grant or denial of alimony. Post separation support is paid from the date of the court order awarding the support until the entry of an order granting or denying alimony, the dismissal of the

alimony claim, the entry of an absolute divorce judgment if no alimony claim is then pending, or the remarriage or cohabitation of the dependent spouse.

Separate Property – Separate property means all real and personal property acquired by a spouse before marriage or acquired by a spouse by device, descent, or gift during the marriage. Property acquired in exchange for separate property shall remain separate property.

Separation Agreement – A separation agreement is a contract between the parties in which the parties address one or all issues relating to the dissolution of the marriage, except the actual divorce, which may only be granted by a court.

Supporting Spouse – Supporting spouse means the spouse upon whom the other spouse is actually substantially dependent for maintenance and support or from whom such spouse is substantially in need of maintenance and support.