

MCGUIGAN SOLICITORS LLP

FAMILY LAW LEGAL GLOSSARY

THE MOST COMMON FAMILY LAW
TERMS ANSWERED



ABOUT FAMILY LAW

Family law is different from other areas of law given the emotions that are involved. These emotions impact all parties. Knowing where you stand legally when a relationship breaks down is necessary in order to move forward.

At McGuigan Solicitors LLP we are fully aware of how stressful family difficulties can be. We appreciate that at this time our clients need honest and practical legal advice from experienced solicitors.

As family law solicitors, we guide you through the process as we aim to make it as stress free as possible for you.

Where possible, we will attempt to close the matter without going to court but we are ready to fully protect the interests of our clients.

McGuigan Solicitors LLP are experienced family law solicitors with offices in Cavan and Dublin, Ireland.



**WE'RE HERE TO
HELP YOU
THROUGH ANY
DIFFICULT
FAMILY
MOMENT.**

Please get in touch via our website if you think you might need legal help arising from a family situation.

FAMILY LAW: LEGAL GLOSSARY

This will be a guide to help you understand some of the key terms in the world of family law.

Applicant: An Applicant is the person who is applying for a particular relief from the Court. They could be applying for a divorce, applying for maintenance, applying for guardianship etc.

Respondent: The Respondent is the person replying to the Applicant's application.

Solicitor: The solicitor is the professional who will deal with the running of your file. They will send letters on your behalf, advise you on the law and attend court.

Affidavit: A written statement of evidence. An affidavit must be either be sworn on a religious text (e.g. the bible) or affirmed to be true.

Barrister: If there is a divorce which is contested, the solicitor will engage the services of a Barrister to help draft the proceedings. The Barrister will also attend court and speak at the Divorce hearing.

Family Law Civil Bill: This is the document which commences the application for Divorce. It is usually drafted by a Barrister and after approval from the solicitor it will be sent by registered post to the Respondent.

Affidavit of Means: This is a sworn document used in the Circuit Court for Divorce Proceedings. Both spouses must complete this document. It sets out the party's income and expenditure per week, it will detail any pension that may have (word missing here perhaps?) and any savings or debts including mortgages. The Affidavits should be accompanied by vouching documentation. Vouching documentation refers to proof of the figures contained in the Affidavit of Means, for example, payslips, bank account statements, pension statements.

Statement of Means: This contains the same information as the Affidavit of Means except it is called a Statement of Means when used in the District Court. It is not sworn.

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Affidavit of Welfare: Must be sworn and filed where there are dependent children. The affidavit of welfare must give details of children born to the applicant and the respondent or adopted by them and details of other children of the family or to which either of the parties stands in loco parentis.

Alimony: Regular payments by one party of a marriage to another in the US (known as 'maintenance' in Ireland).

Cohabitation: The state of an unmarried couple, who share a relationship, living together.

Domicile: The legal relationship between an individual and a country. Domicile is usually established by an individual being resident in a country with an intention to make it their permanent home.

Injunction: A court order that prevents an individual from certain behaviour or directs certain behaviour. Failure to comply with the order may result in imprisonment.

Maintenance: Regular payments by one party of a marriage to another. Such payments can be by court order or by agreement and can be either to provide for the other party, or for the children, or for both.

Judicial Separation: An alternative to divorce. Whilst not ending the marriage it allows the court to look at the financial arrangements between the parties. It is usually used when the parties have not lived separate and apart for two out of the last three years or do not want a divorce.

Marital Property: Property and debt that a couple acquire during their marriage.

Matrimonial Home: A property inhabited by a married couple.

Mediation: An alternative to the court process, mediation is conducted by a third party to help parties reach agreement on issues between them. A mediator will not advise or impose a settlement but rather encourage mutual agreement.

Order: A direction by a court that must be obeyed.

Paternity: A paternity issue is an issue about the identity of a child's biological father.

Reconciliation: Married people who have fallen out getting back together.

Residence: A term referring to which spouse a child will live with.

Respondent: The spouse who is being divorced and on whom the petition is served.

Separation Agreement: A written agreement between parties upon separation. It allows the parties to look at financial arrangements (though not at pensions). If the parties sign enter into a separation agreement they cannot apply to court for a Judicial Separation.

Subpoena: A court order requiring an individual to give evidence in court.

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FAMILY LAW EXPERT

Áine advises clients in relation to all aspects of family law including Separation Agreements, Judicial Separation and Divorce Proceedings.

Her approach is to provide step by step guidance and support to clients in achieving the best outcome for them in difficult circumstances. Áine can offer sensitive yet sound advice to help guide clients through the financial and legal implications and towards a solution that will allow the parties to move forward with their lives.