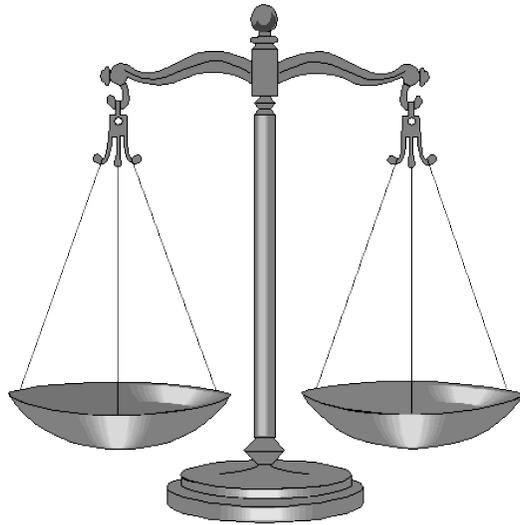


# **Avery & Upton**

## **Client Handbook**



2013

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## **Introduction**

You have decided that it is time for an official end to your marriage or your spouse has made that decision. Perhaps you and your child's other parent cannot agree on a custody arrangement. Maybe you need child support or you have been asked to pay child support. Your job in all of this is to respond to our requests and follow the Court's Orders and Rules. Our job is to help you through the process with all of our resources and expertise.

Throughout our relationship you will be treated with respect and compassion. We know divorce and custody proceedings can be lengthy, painful, expensive, and scary. Our goal is to keep those negative aspects to a minimum—to help you and your family get on with your new life as soon as possible with the least damage to all concerned.

We are not a stuffy, old-school law firm that bulks up the paperwork to beef up the bill. We are a father and daughter team who share a love of the law and a talent for understanding and helping people. We value our reputation for honesty, efficiency, compassion, and standing up for our clients' needs and rights. All of our highly skilled associates and staff are committed to support these principles.

### ***The Purpose of this Handbook***

We wrote this handbook to describe the Court process and to help you prepare for each step along the way. Chapters focus on important topics, including how to keep your bill down. There is also a glossary at the end to explain the vocabulary used in our world of family law.

We talk about children and other treasured parts of your life that you share with the other party throughout this handbook. If that information doesn't apply to you, please just move along past it.

If anything in the book gives you concern or causes confusion, please call us. We need to know so that we can help every client to understand.

### ***Teamwork***

Bruce Avery and Prudence Upton are the firm's partners and they work together as a team. Additionally, the firm has two associate attorneys: Suzanne Ryan and Christy Zlatkus. You will benefit from our collective experience and expertise. We discuss our cases together to explore all possibilities to help our clients. Our four attorneys will represent you at various times throughout the process.

As soon as you sign our retainer agreement, you join the team. We know the law, the process, and the officials. You are the expert on all the facts and events in your life. We rely on you to give us all of the information we need to present to the Court. We will go over all of your case documents with you so that you will understand the process. As we go through the process together, you may think of further information that we can include to make a stronger case.

Our staff will become important to you as well. They include receptionists, legal assistants, billing assistants, and law clerks. They will do many things in your case and will know what is going on just as we do. Feel free to ask them questions and share your concerns with them. They will answer your questions if they can. They are not attorneys and cannot give legal advice, and they know which questions they can and cannot answer. Nevertheless, they can help you quite a bit and save you money in the meantime.

### ***What Matters Most***

“What matters most?” The answer to this question might seem obvious, but when our clients get their heads and their hearts tied up in knots, we like to remind them.

- Your children and the effect your case will have on them
- That you have what you need to live with dignity
- That you know your rights under the law
- That you feel confident and informed about your case
- That details of your case are kept confidential

Throughout our work together on your case, we urge you to keep focused on what matters the most to you and your future. We cannot emphasize enough that you must be cautious in listening to advice about your case from your friends and relatives. No two cases are alike and what worked for them may not be right for you. Even if their intentions are purely to be helpful, they may unintentionally steer you in the wrong directions. Additionally, unless they are licensed to practice law in the State of Maryland, it is against the law for them to give you legal advice. Bottom line: If you hear something you think might be helpful for your case, call us. It is our job to explain and advise. That is why you hired us.

## **How Divorce & Custody Cases Work**

You already took the hardest step when you picked up the phone and called us to make your first appointment. The rest is a matter of paper, time, choices, negotiation, mediation, and trial.

This section addresses the stages and categories of the process. The better you understand them, the less you will be confused and the easier it will be to complete this process with confidence.

The process boils down to:

- Determining Divorce Issues
- Determining Child Custody Issues
- Court Filings
- Hearings and Court Appearances

It is hard to put emotion aside and talk about these things in a detached way. Eventually, however, this work will help us put together the issues in your case and work toward a resolution. Let's tackle them one at a time...

### ***Determining Divorce Issues***

- Divorce—absolute or limited
- Grounds for Divorce
- Monetary Award
- Alimony
- Equitable Distribution
- Pensions
- Marital Debt
- Attorneys' Fees

### ***Determining Child Custody Issues***

- Physical Custody
- Legal Custody
- Child Access (Visitation)
- Child Support
- Child Tax Deduction
- Use and Possession of the family home, furnishings, and vehicle

## ***Filings***

This is the official paper part of the process. We give paper to the Court by filing it with the appropriate clerks in the appropriate offices. We do this every day, so all you have to worry about is what the papers say. You give us the facts and we will put them in the right format.

**Complaints** and **Petitions** are basically the same thing at different points along the way. We begin with a Complaint and complaining is something we are all good at.

Both of these filings **MUST**:

- Include certain required elements
- Include all prayers for relief, which is legalese for “what you want,” keeping in mind that, **if you don’t ask for it, you won’t get it**
- Be signed under oath by you. Remember, anything you sign under oath can be used against you later; so stick to the facts and try not to exaggerate or embellish.

Some of these papers will be “served by summons,” which means that someone (other than you) hands the Complaint and a Summons to the opposing party, and perhaps someone will hand one to you. Others are sent by mail. When you get one, **don’t panic**. It’s just part of the process. When you read it, you will almost certainly feel a rise in your blood pressure, perhaps even a strong desire to voice a few words you don’t want your children to hear. Try to keep it all in perspective. Both sides ask for more than they should expect, but if you don’t ask, you won’t receive. And your children have enough stress right now.

Every Complaint must get an **Answer**:

- In most cases, the initial Complaint must be answered with 30 days
- Supplemental and Amended Complaints must be answered within 15 days

Answers admit, deny, or neither admit nor deny the allegations set forth in the Complaint. As with the Complaint, the Answer is signed under oath. Again, anything you sign under oath can be sued against you later. Make sure you stick to the facts and try not to “spin” the numbers, dates or occurrences. Sometimes additional information is needed, but not usually. Do not answer more than is asked.

The **Case Information Sheet** identifies to the Court your case’s issues and how much of their time we need. We file them with the Complaint, Petition, or Answer, depending on the situation.

**Financial Statements** are used to determine child support, alimony, and monetary awards, and are filed with the Complaint, Petition, or Answer. We file two sets, one with the initial filing and another two weeks before trial.

There are two types of Financial Statements:

- **Long forms** to show all of your income and expenses. They are used mostly for child support, alimony, and monetary awards. However, even if you aren't asking for any of those things, there is a lot of information we will need at our fingertips so we require a long form from all of our clients at the beginning of the case. See *What We Need From You*
- **Short forms** deal only with income and child-related expenses.

**Discovery** is used by both sides to determine each party's position and what can be proven. It gathers financial information, enables property appraisals, gets documents from third parties, and gives us an idea of the testimony of any witnesses.

We will send and receive Discovery. There are six different types:

- Interrogatories (questions)—answers to these are “under oath”
- Request for Production of Documents
- Requests for Admissions
- Request for Entry on Land
- Depositions
- Depositions *Duces Tecum* (depositions with documents)

Discovery requests can be served on the other side with the Summons and Complaint or any time before the cut-off date set by the Court.

Responses to Discovery are due to the other side in 30 days. We need them before that so we can get them in the correct format and go through your answers with you.

The **Joint Property Statement (9-207)** is a compilation of all assets (marital and non-marital) owned by both parties, regardless of title and each party's idea of what they are worth. The parties do not have to agree on anything about the property—who owns it, when it was acquired, or what it is worth—they only have to list it.

## ***Hearings and Court Appearances***

We have all seen them portrayed on television and in movies. In real life they are different. In real life:

- There is no script
- In family law, there is no jury—just the Judge or a Master
- The media will not be there to take pictures
- Your case is likely one of many that day, so there is no tolerance for lateness.
- There may be other people in the room. They don't care about your case; they are all there on their own matters.
- Mistakes will happen. Someone forgets a date or an amount. A witness may not show up.
- The Judge may not want to hear anything about what you thought was most important.
- No one is going to stand up five minutes to the end and confess to causing all your troubles.
- Some hearings can be very boring.

Both sides know what they want to tell the Court, but it's stressful and you may feel confused. Don't worry. It is our job to steer you through your testimony and to help you get the right information out. The Judges and lawyers have done this many, many times and know how hard it is. Truth be told, most of them would be just as nervous on the witness stand as you are.

Hearings and Conferences are held before a Judge or Master. Masters conduct hearings and make findings and recommendations that, if approved by a Judge, result in a Court Order. Masters conduct scheduling conferences, settlement conferences, status conferences, and pre-trial conferences. Judges conduct hearings and issue Orders based on the evidence before them.

There are several types of hearings and Court appearances:

The **Scheduling Conference** is one of the easiest parts of the process if you come prepared, and usually takes less than one hour. Both parties and their lawyers sit at a big table before a Master and set the dates for every step in the process. These dates cannot be changed afterward unless you've got a substantial reason—like a funeral or serious medical event. The most important thing is to remember to bring your calendar.

NOTHING will be decided at the Scheduling Conference unless by agreement. The Master does not want to hear any facts of the case; we're only there to set the dates. And these dates are for:

- Parenting classes (if required)
- *Pendente Lite* hearing (see below)
- Cut-off dates for Discovery and Identification of Experts
- Settlement Conferences (see below)
- Status Conferences
- Merits Hearings (see below)

After the dates are set, the Master may send us all to a Facilitator right then to settle immediate issues—like child support and access, alimony, and who will make the car payments—for the time between now and the final judgment. If we can resolve these issues then, we may be able to avoid a costly *Pendente Lite* hearing.

The Master may also order a Custody Evaluation or appoint a Best Interest Attorney, to assist the Court in determining the best interests of the children.

A ***Pendente Lite (PL) Hearing*** determines what will happen in the short term between then and the final Merits Hearing. It covers issues like child support, child access, alimony, use and possession, attorney fees, suit money, and other bill payments.

In ***Settlement and Status Conferences***, we will meet with a Master to try to settle individual aspects of the case, like custody or property. For custody we may hear reports from the Custody Evaluator and the Best Interest Attorney (if one has been appointed) may share their position. For property, we'll discuss the Joint Property Statement. You **MUST** attend these conferences.

***Merits Hearings*** are the end of the process. This is the trial. Either a Judge or Master presides and makes the absolute and final decisions in individual issues after hearing all of the evidence.

## ***Exceptions***

Exceptions are essentially an appeal from a Master's findings and recommendations. They are rarely necessary. We'll discuss them if we need them.

## ***How does it end?***

With a Court Order. If your case is a divorce, the Judgment of Absolute Divorce is the final document. It will incorporate any previous orders that need to continue and the provisions of any separation agreement. In a custody or support case, there is an Order that incorporates all of the custody and support provisions.

The Orders, in general, may be written by the Judge, the Master, or one of the attorneys. That document is then signed by the Judge and entered in the Court Docket. At that point you are divorced. It usually takes two weeks from the time of signing till you receive a signed and entered copy in the mail. That is your official notification. Keep it with your other important papers, like birth certificates. If you lose it, it can be replaced by the Court at your request for a small fee.

## Do...

- ✓ **Read ALL of our instructions.**  
It is important that you understand and follow our instructions. Call us if you don't understand them, if it will take a long time to comply, or if you can't do as we instruct.
- ✓ **Be truthful.**  
All the information you give will be checked by us and/or by the opposing attorney. The truth is easier, faster, and less embarrassing.
- ✓ **Be confident.**  
You are in good hands. Your attorneys have the experience and knowledge to get you through this with as little pain and expense as possible.
- ✓ **Be civil to the opposing party.**  
In all communications and references, be civil to the opposing party, especially in front of your children.
- ✓ **Keep ALL financial documents you receive.**  
Keep all pay stubs, bank statements, credit card statements, rent receipts, and utility bills.
- ✓ **Call us IMMEDIATELY if:**
  - The opposing party threatens harm of abuse to you or your children. Call the police first, then us.
  - You are served with any court papers.
  - The police become involved.
  - You are asked to sign ANYTHING.
  - You notice something strange happening to your bank account.
  - The opposing party talks about leaving the country.

## Don't...

- ⊗ **Don't touch the opposing party.**  
No matter how gently or innocent, any touch might be construed as violence or harassment when described by the opposing party to a court or police officer. **Don't leave angry, nasty, sarcastic, or confessional voice messages for the opposing party.**
- ⊗ **Don't send angry, nasty, sarcastic, or confessional e-mails to the opposing party.**
- ⊗ **Don't talk to your children about the litigation, finances, or any other details of your case.**
- ⊗ **Don't "bad mouth" the opposing party, especially where your children are present or can overhear.**
- ⊗ **Don't take advice from your friends, relatives, neighbors, co-workers, hairdresser, barber, or children.**  
We are professionals, well-experienced in cases like yours. We know the law and how the court system works. Our advice is going to help you. Call us and discuss any other suggestions you take seriously. We may agree. However, more likely, we will save you a lot of anxiety, trouble, and time.
- ⊗ **Don't look disrespectful at hearings and Court appearances.**  
Justice may be blind, but the Judge is not. A polite demeanor and neat clothing can't hurt the Judge's opinion of you. Don't overdo it, either. Furs and diamonds may well work against you.
- ⊗ **Don't destroy ANY e-mail you have.**  
Also be aware that any e-mail you send from the day forward must be saved and may be used against you at trial.

## What You Can Do to Keep Your Legal Costs Down

We know that there are many other ways you prefer to spend your hard-earned money than on legal fees, and we hate to waste your money. This information will help you to keep our fees down.

### ***Phone Calls***

**Talk to the right person.** Each member of our team works what we call “billable hours,” and each team member’s time is billed at a different rate, as your retainer shows. If you want to change an appointment time, our receptionist can help you with no charge. If you want to talk about your bill, please ask for our billing manager with no charge. If you want to change an answer on a form you filled out, please talk to a legal assistant or attorney, If you want legal advice, please talk to an attorney.

**Keep phone calls focused.** Before you call, make notes of what you want to discuss. As we talk, write down our answers so you do not have to ask again. It is not that we don’t need and want to talk to you—we do. It is that phone communications take time and you are paying for it in six-minute increments. We need to know how your part of our teamwork is progressing. We need to hear and answer your questions. We need to know if you have been served with papers. We need to know if the other party is not complying with court orders. We also need to know how you feel about it. If you need to sob on someone’s shoulder—well, it happens with many of our clients and we have consoled them as best we can—just consider that the clock is running and there are professionals in other fields who are better equipped to deal with the emotions that go along with these cases.

### ***Documents***

**Comply with requests for documents as soon as possible.** If you don’t, or if you don’t tell us why you can’t, we will have to call you, and that phone call will appear on your bill. If a phone call doesn’t help, we’ll have to send you a letter. The time it takes to draft and send the letter will appear on your bill as well. Also, if you don’t provide the requested documents, the other side may file a motion with the court to get them. We will have to respond to the motion and appear in court—all at your expense. Finally, if that doesn’t work, you may lose your case because you don’t provide what we need. Yes, the Judge can do that just because you did not provide last year’s tax return.

## ***Police Involvement***

**Think twice.** If the opposing party threatens harm or abuses you or your children, you and we **MUST** take it seriously and involve the police. If something much less serious has happened, for instance a rude remark, yelling, or growing frustration that makes you angry—don't call the police. We can address that just as (maybe more) effectively with less mess, noise, and expense with phone calls and letters to opposing counsel.

**What We Need From You  
A Preparation Checklist**

Document	Date sent to Avery & Upton
<input type="checkbox"/> Marriage License	
<input type="checkbox"/> 3 years of pay stubs	
<input type="checkbox"/> All bank accounts held by you and/or your spouse for the last 5 years	
<input type="checkbox"/> List of all credit cards with statements for the last 3 years	
<input type="checkbox"/> Credit report	
<input type="checkbox"/> 3 years of cancelled checks	
<input type="checkbox"/> 3 years of check registers	
<input type="checkbox"/> 3 years of bank statements	
<input type="checkbox"/> 3 years of tax returns	
<input type="checkbox"/> 3 years of retirement statements: 401(k), IRA, TSP, Roth, Keough	
<input type="checkbox"/> Addresses you have had for the last 5 years	
<input type="checkbox"/> Addresses your spouse has had for the last 5 years	
<input type="checkbox"/> Addresses where your children have resided for the last 5 years and with whom	
<input type="checkbox"/> Names and addresses of all employers you have had for 5 years	
<input type="checkbox"/> Names and addresses of all mortgage companies used in the last 5 years	
<input type="checkbox"/> Names and addresses of all car lien holders in the last 5 years	
<input type="checkbox"/> Deed and mortgage documents	
<input type="checkbox"/> Children's school records	
<input type="checkbox"/> Children's doctor contact information	
<input type="checkbox"/> Children's dentist contact information	
<input type="checkbox"/> Children's therapist contact information	
<input type="checkbox"/> E-mail for the last 12 months. (Be aware that any e-mail in existence may be discoverable)	
Household bills for the last 12 months	
<input type="checkbox"/> Utilities	
<input type="checkbox"/> Phones	
<input type="checkbox"/> Repairs	
<input type="checkbox"/> Services (e.g., lawn care, carpet cleaning)	
<input type="checkbox"/> Cell Phone Bills	

**NOTE: This is just the beginning of the case. You must keep all of the financial documents you receive from this date forward. Please make a copy of anything you receive and send it to our office immediately.**

## Glossary of Legal Terms

Lawyers have a reputation for using complicated words to intimidate other people. And sometimes they do. More often they need to use the precise word that the Courts expect to hear to understand what we are doing.

We want you to understand everything we say and write—and especially everything you sign. We try always to use understandable language. However, there is some language special to each field of law that attorneys use so frequently we forget that not everybody understands.

We use these words, expressions, and acronyms all day long. You will find yourself using many of them yourself after we have worked together for awhile. We want to explain each one as we go along, but sometimes we forget. Sometimes our clients are so overwhelmed by circumstances that they need to hear things twice or three times to grasp the meaning.

If this happens in conversation, STOP US and ask. We are not going to think you are stupid; we are going to apologize for not realizing you didn't understand.

If this happens as you read this handbook or papers you receive in the mail, you can save time and phone calls by looking it up in this Glossary. If the definition isn't helpful, call us for further explanation.

We will divide this Glossary into two parts: words and phrases, and acronyms. Many of them are common terms when used outside the Court system; however, in law, they mean something very different and very specific—"discovery," for example. Some are in Latin, the language once used by all lawyers. If you've studied Latin, their legal pronunciations may offend you, and their current meanings may not match what you learned in high school, but this is the way they are pronounced and used in American courts.

## **Words and Phrases**

- Absolute divorce..... This is the type of divorce that most people think of. It means you are separated from your spouse in all respects and can remarry. To get an absolute divorce, you will need to meet certain requirements and resolve all other issues like property and custody.
- Access..... This is the new term for visitation. Both custodial and non-custodial parents have access. It recognizes that each parent has obligations toward the child and is not just a visitor.
- Alimony..... Alimony is money payable by one spouse to another. This is neither guaranteed nor easy to get. Alimony comes in three forms: *pendente lite*, rehabilitative, and indefinite. *Pendente lite* alimony is only for the period between the *pendente lite* hearing and the final divorce hearing. Rehabilitative alimony is to help the dependent spouse meet necessary expenses while that spouse gets training or education needed to become self-sufficient. Indefinite alimony is awarded infrequently and only under very narrow circumstances.
- Annulment..... Annulments undo a marriage and order that the marriage never actually existed. These are rare and only ordered in very narrow circumstances.
- Answer..... A response to the Complaint.
- Arbitration..... A form of Alternative Dispute Resolution (ADR) where a neutral third party acts as a decision-maker. Arbitration may be binding or non-binding. It is not often used in family law cases.
- Attorney..... Your representative. Attorneys can function in many roles throughout the course of your case. They can be your shoulder to cry on, your backbone, your voice of reason, but most importantly your voice to speak to the court and to opposing counsel.

- Best Interest Attorney.....Also known as a “BIA.” An attorney for the child (or children) appointed by the court whose function is to inform the court as to the best interests of the child. Formerly known as *guardian ad litem*.
- Case.....Your case includes all preparation, negotiation, and litigation that we work on for you.
- Collaborative Practice..... A form of Alternative Dispute Resolution (ADR) that resolves the case completely outside the court system. The parties agree at the beginning that they will resolve the case by agreement and work with their collaboratively trained attorneys to come to a resolution that benefits the parties and their children.
- Complaint..... The initial pleading, which starts the case.
- Contempt.....Contempt is the voluntary and willing violation of a Court Order. For example, having the money, but refusing to pay child support.
- Custody.....Custody comes in two parts: legal and physical. Legal custody is the right to make major decisions regarding the health, education, and religion of the children. The parent with physical custody has the child with them at their home.
- Defendant..... The person sued. Generally, there is no benefit to being the first to sue or being the person sued for divorce or custody. Both sides get to present their case and seek relief from the Court.

- Discovery..... Discovery is the legal method of finding out facts and information. Each party can ask up to thirty written questions, ask for documents, or take depositions. The other party has to answer the questions and comply with the requests—or give the Court a really good reason why they cannot.
- Enforcement..... If the Court passes an order it must be followed, even if the order is the result of an agreement between the parties. If one party decides not to follow the agreement, the other party may file a request with the court to enforce the order.
- Expert..... Experts are used to testify about specialized areas. For example, if you need your house valued, you need an expert appraiser. If you want to present evidence about drug usage, you need a toxicologist.
- Extraordinary medical expenses..... These are defined by statute as expenses incurred on behalf of a child that “include uninsured, reasonable and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.”
- Fault..... This is a type of ground for divorce and it means what you think it means—the break-up of the marriage is someone’s fault. Fault-based grounds include abandonment and adultery. Sometimes the fault is taken into consideration for monetary issues in a divorce. Fault is rarely considered in custody or child support issues.
- Filing..... This is a document given to the court to be docketed and listed in the court file.

- Financial Statement..... Financial statements are used to determine the correct amount of child support and alimony. There are two types of financial statements. The “short form” is exactly what it sounds like—short. It includes only income, daycare expenses, extraordinary medical expenses, and other allowed expenses for the children. The “long form” includes all expenses for you and for the children. This is an in-depth form that will take a couple of hours to complete; it is crucial to your case and needs attention and accuracy.
- Hearing..... A hearing is just like a trial you see on television (without a jury). There are witnesses, direct examination, cross examination, and evidence.
- Interrogatory..... In a nutshell, this is a question. Think “interrogation.” This is what you will feel like when you are faced with answering thirty detailed and difficult questions. We will help you answer the questions as best we can, but you are the only person who has the information needed. Interrogatories are part of discovery.
- Judge..... Judges make the final decision in your case if you go to trial. Your hearing will either be before a Judge or a Master; either way a Judge will sign the final order. If negotiation fails, and you go before a Judge for a custody matter, the first thing you will hear is the question: “Why are you leaving the most important decision about your children to a stranger?”
- Limited Divorce..... A limited divorce is a divorce “from bed and board.” This means that all custody and financial issues have been resolved, but neither party can get remarried until an absolute divorce has been granted. This is an ancient kind of divorce based on Ecclesiastical law, and we are not sure why it still exists, but that is the law in Maryland. It is now used as a means to get in the courthouse door and is almost never the desired final result of a case.

- Litigation..... This is the process of taking your case through the Court. Litigation is always adversarial because there is a Plaintiff and a Defendant and the final decision is left to a Judge or Master.
- Marital Property..... The easiest way to define marital property is to list the things that are not marital property. Marital property is everything acquired during the marriage EXCEPT something owned before the marriage, something inherited, a gift to one party and only the party (e.g., your parents gave you a gift of \$100.00 and told you to spend it only on yourself and not to give any of it to your spouse), or property excluded by a valid agreement.
- Marital Award..... A monetary award is given to one party to make up for some inequity in the division of property.
- Master..... A Master is not a Judge, but acts like one. A Master may preside over a hearing and make findings of basic facts. For example, a Master will find what the parties' incomes are or that your child is ten years old. This Master then makes recommendations to the Judge as to how those facts should be used to determine the outcome of the case. To finish the above example, the Master would find out what the parties' incomes are, and then make a recommendation as to what the child support should be.
- Material Change of Circumstances..... A BIG change. No decision is ever final when it comes to custody or child support. If, after the initial order, there is some major life-changing event relating to the children, then you can ask the Court to review the order and make a change.

- Mediation..... An Alternative Dispute Resolution (ADR) process where the parties meet with a neutral third party who assists them in determining their interests and helps them come to a resolution of their own making. Court-ordered property mediation is attended by the parties and their attorneys for one three-hour session at the parties' expense. The parties may also enter into mediation for any issue by agreement.
- No-Fault..... In other jurisdictions this is called “irreconcilable differences.” There are two grounds in Maryland that do not include fault—voluntary separation (only for a limited divorce) and a one-year separation.
- Plaintiff..... The person who sues first. Generally there is no benefit either to being the first to sue or being the person sued in family law. Both sides get to present their case and ask the court for some relief.
- Pro Bono*..... Literally “for good,” a *pro bono* case is done for no charge. Our firm only takes *pro bono* cases referred to us by the Montgomery County Bar Association Foundation *pro bono* program.
- Pro Se*..... Literally “for oneself,” a person representing himself or herself in court without an attorney. This is a dangerous proposition for both parties. Cases are hard enough without the parties trying to muddle through without thorough knowledge of the law. The unrepresented party risks not getting everything they think they are entitled to. The represented party may be dragged into a lengthy litigation because the other party has unrealistic expectations or insists on their “day in court.” This is also referred to go as a “self-represented litigant.”

Protective Order from Domestic Violence.....	An order to protect the petitioner from harm in a Domestic Violence case. In order to get a protective order, the person asking for one must be able to show, to a very high standard, that they are in reasonable fear of imminent bodily harm. This is a difficult area of law, and a lawyer can help decide if you meet the requirements to receive one or how to defend against one.
Protective Order (Discovery).....	An order restricting what may be sought in discovery or how discovery responses may be used.
Separation.....	The State of Maryland does not have a “legal separation.” Although there are statutes that allow you to get a divorce even if you live together, this can be very difficult, and realistically you need to separate from your spouse to get a divorce. Separation means that you do not sleep under the same roof or have any marital relations.
Separation Agreement.....	The parties can reach an agreement without using the court that deals with some or all of the issues in a divorce. This is usually the most cost-effective way to resolve issues and most people are happier when they can make their own decision on how the issues are resolved.
Serve.....	Before any court action can go forward, the other side has to be “served” with the notification that they are being sued. The State of Maryland, and all other states, have specific rules and procedures for this.
Service.....	See Serve.
Summons.....	The formal notice from the Court that is served on the Defendant advising that a lawsuit has been filed by the Plaintiff.

- Trial.....A trial is a hearing in front of a Judge or Master, just like on television. Witnesses are called to testify and answer questions from both your lawyer and the other side’s lawyer. Documents are given to the Judge to review. At the end of the trial, the Judge (rather than a jury) will make a decision as to what should happen.
- Uncontested Divorce..... A divorce is only uncontested if all property and custody issues have been resolved, and the grounds for divorce are not contested. Some cases start off this way; others become uncontested once the parties have had a chance to negotiate during the litigation process.
- Use and Possession..... If the Court finds that it is in the best interest of the children to remain in their house with the furniture and with a car despite the fact that the parents are getting a divorce, it can order that the custodial parent has “use and possession,” and the children can remain in the house for up to three years after the date of divorce.
- Visitation..... This term has been replaced with the term “access.” In a situation where one parent has the children living with them most of the time, the other parent has “visitation” with the children.

## **Acronyms**

ADR	Alternative Dispute Resolution. This is a way to resolve the dispute by using an alternative to litigation. This can mean arbitration, mediation, or collaborative practice.
BIA	Best Interest Attorney. An independent attorney chosen by the Court to represent your child or children.
EWO	Earnings Withholding Order. This is an order garnishing child support and/or alimony directly from the payer's paycheck.
PL	<i>Pendente Lite</i> . (pen DENT ay LEE tay) means "for the time between now and litigation." A <i>pendente lite</i> hearing or order is one that establishes a temporary order—in place only until the final hearing.
QDRO	Qualified Domestic Relations Order. (QUAD ro). This is the way the court divides a pension or 401(k).