



GLOSSARY OF TERMS

Terms for clarity on family law,
mental health law, and special
education law.



Commonly Used Law Terms

Alias Summons: A type of summons used when the original summons is not served onto the defendant.

High Net Worth Cases: Working on cases with individuals of wealth provides many challenges without the proper experience and education on this subject. WhitbeckBennett specializes in cases that involve high net worth and have experience and education with cases such as this.

Family Law Terms

Adultery: Adultery refers to the action of relation to someone other than your spouse within a marriage. Adultery is a form of cheating with someone not in your marriage. This may fall into the category of fault-based divorce. The individual in the relationship that is filing for a divorce must provide the information of the date, place, and parties involved. WhitbeckBennett specializes in family law which includes divorce law and custody battles.

Annulment: A legal proceeding in which a marriage becomes dissolved and can be voided as if it never took place. This process makes it so that in the eyes of the law, the two were never married. There are very limited circumstances in which this process can happen.

Best Interest of the Child: Term used for custody, separation, divorce, visitation, and support cases that define the best situations for minors to be placed in with the restrictions of a broken family.

Collusion: An agreement between two or more people about a separated party regarding custody or children where false accusations are made against one or more persons in the party. In the circumstance of divorce, this could be one accusing the other of adultery when there was no adultery present. Collusion is illegal.

Common Law Marriage: Marriage Law in which two parties are free to marry one another and live as husband and wife without a formal ceremony. Both parties must be recognized as wanting to be husband and wife and agreeing upon the circumstances for this to work. Maryland does not recognize common law marriage.

Community Property: A method of dividing up marital property between two parties, which is usually based on 50/50 division. Courts usually only recognize property that was bought together during a marriage by one or both parties under the community property sector. The following states use the community property method of property division: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. Alaska has adopted a community property system, but the couple must apply for it to be considered under the community property circumstances.

Conservatorship: A legal concept where the courts appoints an individual to take off a deceased person's financial and personal affairs. The conservator's duties are to oversee the proceedings of death, finances, properties, etc.

Condonation: The act of forgiving one's spouse for an act of wrongdoing against them that would constitute means for divorce. This is often used in defense for divorce cases or settlements.

Custody Evaluations: If there is no conclusion met between two parents during a custody battle, a trained professional comes in to evaluate and meet a conclusion regarding custody, visitation, parenting time, and physiological state of each parent. The trained professional acts as the middleman who makes the decisions based on which parent is best fit to take care of and support the children. WhitbeckBennett specializes in family law which includes divorce law and custody battles.

Custody (Sole and Joint): Sole custody is a scenario in which only one parent has full custody over the children with no responsibility or custody set on the other parent. Joint custody is custody in which both parents share the responsibility of the children together while living separate from one another. Custody is made up of two parts: legal and physical. Legal custody is meant for decisions about a child's health, safety, and welfare while physical custody refers to where the child lives on a regular basis. Custodial agreements are meant to provide and support the best interest of the child.

Desertion: Desertion is considered a form of abandonment in which one person within the marriage or family deserts or leaves the family situation. This could be a circumstance to file for fault-based divorce. This could also fall into a situation where there is temporary or permanent spousal support initiated and issues related to custody, child support, and visitation. WhitbeckBennett specializes in family law which includes divorce law and custody battles.

Dissolution: The legal end to a marriage.

Enmeshments: This occurrence happens when there is an irresponsible or inappropriate set of boundaries put into place during a situation where there is a divorce or separation, and children are involved. This causes confusion for the children, not knowing who is in charge or the hierarchy of the family and may cause a false sense of entitlement or unrestricted behavior from the child.

Equitable Distribution: The division of assets and property during a divorce settlement. Usually, the division is supposed to be 50/50 based on assets and properties that were bought or made during the marriage.

Fault-Based Divorces: Fault-based divorces are subject to those who have not been separated long enough for a no-fault divorce claim to go through. They typically are a second step for those seeking a divorce. Typically, a legal representative is the one who handles these claims and there are 4 sections included and allowed through fault-based divorces. 1. Adultery 2. Conviction of a felony 3. Cruelty 4. Desertion. WhitbeckBennett specializes in divorce cases of those such as fault-based divorces and non-fault-based divorces.

Fault Grounds: Marital misconduct which allows reason for divorce between two parties. This is the reasoning for filing for a divorce.

Guardianship: A legal relationship where a person or place is named or assigned to take care of a minor under the age of 18 or an incompetent adult.

Innocent Spouse Rules: IRS rules that protect an individual whose spouse has committed tax fraud so that they will not be involved if proven innocent.

Interstate Matters: Cases which involve properties in a state other than Virginia or in circumstances where one or more parties is outside of the state. WhitbeckBennett specializes in helping make interstate matters as easy as possible for those involved, resolving issues and creating solutions.

Irreconcilable Differences: the legal grounds for no-fault divorces.

Irretrievable Breakdown: the legal grounds for no-fault divorces.

Juvenile Court: These cases are for unwed parents who are separated but not divorced or going through the process of divorce yet. WhitbeckBennett specializes in cases that involve custody, visitation, child and spousal support, and other areas that are need in support during these times. WhitbeckBennett works through the juvenile court to solve these issues.

Legal Separation: A court order that allows two people to remain legally married while living separately

Marital Property: All the property acquired during the time that two are married.

Modifications: Agreements and court orders used to help find solutions regarding custody, visitation, and child support through modifications. Custody related cases, visitation cases, child or spousal support cases are all subject to be modifiable. Property division is typically non-modifiable. WhitbeckBennett specializes in the process and completion of modifications.

No-Fault Divorces: In Virginia, the most common no fault divorce scenario is one where both parties have lived separately for one year. The other common scenario is one of which the couple has no children under the age of 18, the couple has lived separated for a period of at least 6 months, and a written agreement has been signed to dispute arising issues in the marriage. WhitbeckBennett has experience in this area as well as fault-based divorces.

Parental Alienation: When one parent is manipulative or abusive to their child, making them show fear, disrespect, and hostility to the other parent. This manipulation causes emotional harm and stress among family dynamic. WhitbeckBennett specializes in cases with parental alienation involved. If you or someone you know is experiencing this type of situation, contact WhitbeckBennett about how we can help.

Pendente Lite: Temporary arrangements for cases where there are divorce related issues such as custody, child support, or alimony that remain in place until there is an agreed upon date to go to court for a hearing or trial for these matters.

Qualified Domestic Relations Order: When the court gives a share of one spouse's retirement or pension fund to the other spouse.

Reconciliation: When divorce filing has already been filed, but the couple comes back together and becomes unseparated.

Same-Sex Divorces: Virginia recognizes same-sex marriage, which now allows for same-sex divorce in the state of Virginia. WhitbeckBennett uses their resources and experience to handle matters like this.

Settlement Agreements: Settlement Agreements are typically disputed over child or spousal support cases, custody battles, property division, attorneys' fees, or visitation. Settlement agreements are typically for those who are not separated or going through a divorce. Written agreements are binding regarding settlement agreements and cannot be changed several times. WhitbeckBennett specializes in settlement agreement education and experience.

Mental Health Law Terms

CIT: A crisis intervention team whose purpose is to avert the crisis and protect everyone involved. This is typically a community-based approach. This program involves hospitals, police and fire departments, and emergency services.

Discharge Plan: An assessment of mental health, stability, decision making skills, violence factor, and other discussions to make sure that someone can be safely discharged without being of harm to themselves or others. This also includes a facilitated recovery plan.

Involuntary Mental Health Commitment: When someone of temporarily incompetency is committed into the hospital by someone else without their agreement. An example would be such as someone who is suicidal or on drugs that are making them a danger to others.

Liberty and Autonomy: When someone living with mental health conditions has the right to make their own decisions regarding their lives including their medical plan and treatment. These are individuals proved competent through the law and able to make their own choices even with a mental health disorder.

Mediation: A voluntary and confidential process between two parties and the mediator. The mediator allows for discussion from both sides and helps push towards a resolution between the two parties.

Mental Health Evaluations: Courts can require mental health or psychological evaluations if in relation to custody or visitation battles. This is for the proof of safety and responsibility from each parent in the situation, for protection of the child. WhitbeckBennett can answer questions regarding mental health evaluations and the process in which they must be completed.

Seclusion and Restraint: Any person living with a mental health disorder has the right to be free from all forms of abuse. Restraining or seclusion prove no therapy within treatment and are therefore unacceptable forms of treatment.

Special Education Law Terms

Accommodations: An agreement between two parties that serves as a contract. This agreement typically holds an individualized plan for one's success, that may not follow traditional guidelines or learning curriculum.

Alternate Assessment: Alternate assessments typically have to do with straying away from normal testing to participate in a select type of testing making it individualized for you. A small number of students who have IEP's are typically the ones who get to participate in alternate assessments.

Americans with Disabilities Act: The Americans disabilities act promotes no discrimination of any kind towards anyone with a disability. This means that they get fair opportunity, access to transportation and public services, communication, and government benefits or information.

Assessment/Evaluation: A type of testing typically used in schooling to comprehend the understanding of an individual. This is typically called testing.

Confidentiality: The agreement between one or more parties of not sharing information or details with anyone else. This is an agreement to protect personal information.

Cumulative File: A file specifically made for a child with special needs which shares their progress, learning plan, achievements, goals, and other information. A parent has a right to view this at any time with a notice beforehand.

Disability: A physical, mental, emotional, neurological, psychiatric, or intellectual impairment which causes developmental, social, mental, physical, emotional, or neurological challenges. A disability is something that is usually permanent and an obstacle to living a normal life.

Free Appropriate Public Education: Children with special needs are entitled to an education with modifications set for them at public expense. This means the county or district has to provide them with an education plan that is right for them and their needs.

Individual Education Plan: Also known as an "IEP", an Individualized Education Plan is a legal document that serves as a developmental schedule and accommodations plan for a student with special needs or who needs extra support.

Individuals with Disabilities Education Act: This act ensures free public education for those with special needs and to have individualized education plans to ensure success among the students. This includes several sections which help prove the importance of the education of those with special needs.

Least Restrictive Environment: Children with special needs are entitled to being placed in a school environment that is the least restrictive possible for their needs as a student. They are entitled to reach their full capability within programs that are geared towards those who have special needs.

Private Placement: When a public school district does not have the resources to provide a special needs child with the correct plan and resources, the student will be placed into a private school district to help them better reach their needs and potential. Special Education Law explains that this only happens when the public school is unable to fulfill the needs of the individual with special needs.

Special Education: Refers to the practice of educating students who have a disability and need individualized learning based on their differences.

Special Education Law: Law that fights for individuals with special needs to make sure that their education plan is individualized, protected, specially designed, and unique with no cost to the parents to ensure the most possible success for the student who struggles with special needs.