ATLANTA DIVORCE & CUSTODY LAW FIRM

FREE GUIDE

15 Georgia Divorce & Family Law Terms You Should Know

Explained in plain English, with the Georgia basics people most often get wrong.

INSIDE

- 15 essential terms, each with a plain-English translation
- Four Georgia basics worth knowing before you file or respond
- Space to write your own questions for an attorney



Prepared by Samantha Holloway, Esq.
Georgia family law attorney · Practicing since 2010 · Trained Guardian ad Litem
(678) 390-3503 | atlantadivorceandcustody.com | Fayetteville, Georgia

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A NOTE BEFORE YOU BEGIN

Welcome

I'm Samantha Holloway. I have practiced law since 2010, and family law is the focus of my practice: divorce, custody, legitimation, child support, and modifications. I also serve as a guardian ad litem, so I see these cases from the child's side too.

In almost every first consultation, I see the same thing. People come in worried, and part of what makes it harder is the language. Petitioner. Service. Equitable division. Legal custody. These words show up in court papers, phone calls, and online searches, and no one stops to explain them.

That is why I created this guide. It translates 15 of the terms you are most likely to see into plain English. Each term includes a short note about where people get tripped up, and space to write your own question.

Two things to keep in mind as you read:

1. **This guide explains what words mean. It cannot tell you what they mean for your case.** When your question becomes "What does this mean for me?", that is the point to talk with an attorney.
2. **If you have children, your marriage may be ending, but your family is not.** You can divorce each other; you cannot divorce your children. Understanding the process is one of the best ways to protect that "forever family" while you handle what has to be handled.

You do not need to have everything figured out. You just need a starting point. This is one.



Samantha A. Holloway, Esq.
Atlanta Divorce & Custody Law Firm

READ THIS FIRST

What does this word mean?

Not: "What does this mean for me?" That distinction is the most important idea in this guide.

> **THE LINE TO REMEMBER**
> When your question changes from "What does this word mean?" to "What does this mean for me?", you have crossed from general legal information toward individualized legal advice.

How to use this guide

- Read the definition, then the plain-English version.
- Read the gold-labeled note; it is usually where people get tripped up.
- Type or write your own question under any term. This guide is fillable.

GEORGIA AT A GLANCE

Four Georgia Basics Worth Knowing

Residency	At least one spouse generally must have lived in Georgia for six months before a divorce can be filed here.
No-fault option	Georgia allows a divorce when the marriage is "irretrievably broken," so neither spouse has to prove fault to get divorced, although conduct can still matter for some issues.
Waiting period	A Georgia divorce generally cannot be finalized until at least 31 days after the respondent is served.
Children	Cases involving custody or parenting time require a parenting plan, and child support is calculated using both parents' incomes.

General rules have exceptions. How they apply to you is a question for a Georgia attorney.

01 Petitioner

The person who starts the case by filing the initial petition or complaint with the court.

IN PLAIN ENGLISH

The person who starts the case.

REMEMBER

Being the petitioner does not, by itself, mean that person has a stronger case or will receive a particular result.

My question about this term:

02 Respondent

The person on the other side of the case who responds to the filing.

IN PLAIN ENGLISH

The other person in the case.

IMPORTANT

In Georgia, a respondent generally has 30 days after being served to file an answer. Missing a deadline can have serious consequences, so write down the date you were served. A respondent may also make claims of their own.

My question about this term:

03 Service of Process

The formal procedure used to provide required court papers to another party in a legally recognized manner.

IN PLAIN ENGLISH

The legal process for formally delivering court papers.

IMPORTANT

The date of service matters: it starts the clock on response deadlines. Whether service was legally sufficient in a particular case is a separate question for a lawyer.

My question about this term:

04 Answer

A document filed by the respondent that responds to allegations or requests in the complaint.

IN PLAIN ENGLISH

The respondent's formal response.

REMEMBER

An answer may admit, deny, or otherwise respond to allegations. What a particular respondent should say is a legal question; talk to a lawyer before you file one.

My question about this term:

05 Contested Divorce

A divorce in which the parties have one or more unresolved issues that may require negotiation, mediation, hearings, trial, or other court involvement.

IN PLAIN ENGLISH

The spouses have not agreed on everything that must be resolved.

REMEMBER

Many contested cases still settle, often at mediation, which many metro Atlanta courts require before a contested final hearing.

My question about this term:

06 Uncontested Divorce

A divorce in which the parties have reached agreement on the issues necessary to resolve the case.

IN PLAIN ENGLISH

The spouses have reached the necessary agreement.

IMPORTANT

Uncontested does not mean unimportant. A case can still involve children, real estate, retirement, support, businesses, or substantial debt.

My question about this term:

07 Settlement Agreement

A written document containing agreed terms that may address property, debt, support, and other issues.

IN PLAIN ENGLISH

The written document that contains the parties' agreement.

IMPORTANT

Some agreed terms, such as the division of property, generally cannot be changed later. Read every page, and understand it, before you sign.

My question about this term:

08 Final Judgment and Decree of Divorce

The court's final judgment granting the divorce and ending the marriage.

IN PLAIN ENGLISH

The court document that makes the divorce final.

IMPORTANT

In Georgia, a divorce generally cannot be finalized until at least 31 days after the respondent is served, even when everything is agreed. Settlement agreements, parenting plans, and child-support worksheets are often incorporated into the final judgment.

My question about this term:

09 Marital Property

Property that is considered part of the marital estate for purposes of division under applicable law. Classification can depend on facts beyond whose name appears on the title.

IN PLAIN ENGLISH

Property that may be part of what must be addressed financially in the divorce.

REMEMBER

"It is only in my name" does not, by itself, answer whether property is legally marital or separate.

My question about this term:

10 Separate Property

Property that may be treated separately from the marital estate depending on the law and the facts surrounding the property.

IN PLAIN ENGLISH

Property that may not be part of the marital estate.

IMPORTANT

Property owned before the marriage, gifts, and inheritances are common examples. Mixing them with marital funds, retitling them, or improving them during the marriage can complicate the picture.

My question about this term:

11 Equitable Division

The Georgia concept used to divide marital property. "Equitable" refers to a fair division under applicable law and circumstances; it does not automatically mean an equal 50/50 split.

IN PLAIN ENGLISH

Dividing marital property fairly under the law, not automatically equally.

REMEMBER

The definition cannot predict how a particular asset will be divided.

My question about this term:

12 Alimony

Financial support that may be paid by one spouse or former spouse to the other. Availability, amount, form, and duration depend on applicable law and case-specific facts.

IN PLAIN ENGLISH

Financial support from one spouse or former spouse to the other.

IMPORTANT

Under Georgia law, a spouse whose adultery or desertion caused the separation is not entitled to alimony. Whether alimony applies in your case, and in what amount, depends on your facts.

My question about this term:

13 Legal Custody

The rights and responsibilities concerning major decisions for a child, such as certain education, non-emergency health-care, extracurricular, and religious decisions, as allocated by the court's order or parenting plan.

IN PLAIN ENGLISH

Who has responsibility and authority for major decisions about the child.

DON'T CONFUSE THIS WITH

Legal custody is about decision-making. Physical custody is about where the child lives and spends time.

My question about this term:

14 Physical Custody

The child's physical care and living arrangement, including where the child stays and the parenting-time schedule.

IN PLAIN ENGLISH

Where the child spends time and who is caring for the child.

IMPORTANT

In Georgia, a child who is 14 or older may choose which parent to live with, subject to the judge's review of the child's best interests. The wishes of children ages 11 to 13 may also be considered.

My question about this term:

15 Child Support

Financial support for a child determined under applicable law and court orders.

IN PLAIN ENGLISH

Money paid for a child's financial support.

IMPORTANT

Georgia uses an income-shares approach: both parents' incomes go into the calculation. Child support and custody are related, but one does not automatically determine the other.

My question about this term:

KEEP GOING

You Know 15. There Are 35 More.

Divorce has its own language, and understanding the words is only the beginning.

The complete 50-term guide adds terms covering court procedure, financial disclosures, parenting plans, child-support calculations, discovery, mediation, temporary orders, contempt, modification, legitimation, and more. It is included in the **Georgia Divorce Prep Kit** ($27), a guided workbook that helps you find, verify, and organize your financial, property, parenting, and court-record information, then turn it into a one-page brief for your attorney.

1. **Free Terms Guide**
   Understand 15 essential terms.
2. **Free 25-Item Checklist**
   Identify what to start gathering.
3. **Georgia Divorce Prep Kit**
   Find it, verify it, organize it, and prepare better questions, plus all 50 terms.
4. **Strategy Consultation**
   Get advice about your own situation from a Georgia attorney.

Ready to talk about your situation?

When your question changes from “What does this mean?” to “What does this mean for me?”, start with a free Intake Call. Our team will gather the basics, check for conflicts, and schedule your 30-minute Strategy Consultation with Attorney Samantha Holloway ($150, collected during the Intake Call).

BOOK MY INTAKE CALL

Prefer to call? (678) 390-3503. If you retain the firm within five calendar days after your consultation, the $150 fee is credited toward your initial flat fee or retainer, subject to case acceptance, a signed engagement agreement, and timely payment. Third-party financing options are available; ask about terms.

STEP 1

Intake Call (free)

Our team gathers the basics of your situation, checks for conflicts, collects the $150 consultation fee, and schedules your consultation.

STEP 2

Strategy Consultation

30 minutes with Attorney Holloway about your specific situation, your options, and your next steps.

Samantha Holloway, Esq.
Atlanta Divorce and Custody Law Firm, LLC
110 Habersham Drive, Suite 115, Fayetteville, GA 30214

Phone: (678) 390-3503
Email: info@hblawatl.com
Web: atlantadivorceandcustody.com
Book: Book an Intake Call online

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Laws, court rules, procedures, forms, and websites change, and individual facts matter. Consult a licensed Georgia attorney about your specific situation.

Use only records, accounts, devices, mail, cloud storage, and other information that you own or are authorized to access. Do not guess passwords, impersonate another person, bypass security, or alter, hide, or destroy records.

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