

Dividing Assets In A Divorce In Community Property States

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In community property states, all marital (or "community") property is considered to be owned 50/50 by each spouse. In a divorce, therefore, each spouse theoretically should get half of the community property.

The community property states are: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington and Wisconsin.

In Alaska, you and your spouse can choose to create a community property estate if you want to. See your divorce lawyer if you have questions about that.

Even though all property is theoretically split 50/50, only three states are "pure" community property states. These states do a 50/50 split regardless of the circumstances. They are: California, Louisiana and New Mexico.

The other community property states start out with the presumption that the property should be split 50/50; however, they can do an unequal distribution if the facts and circumstances warrant it. In making that decision, they tend to look at some of the same factors that the courts consider in equitable distribution states.

Some of the factors that might be considered are:

1. Each spouse's financial and non-financial contributions to the marriage
2. The length of the marriage
3. The financial condition of each spouse
4. The skills and education of each spouse, and their ability to earn a living
5. The age and health of each spouse
6. Any children involved, and who has custody

So while a 50/50 split is the norm in most community property states, talk to your divorce lawyer if you think you might be entitled to more than half the assets.

For more information:

[All 50 States](#)

[The Divorce Financial Survival Series](#)