

Equitable Distribution

New York is an “equitable distribution” state, which recognizes there is certain property a spouse brings into a marriage and other property he or she contributes to the union during the period between the wedding and divorce. By “equitable,” the law does not mean each spouse is automatically entitled to half of everything, as is usually the case in “community property” states such as California and Texas. **How We Can Help**

The equitable distribution attorneys at Tully Rinckey PLLC in Syracuse, N.Y. are experienced in helping spouses determine what can be categorized as marital property and non-marital property, also known as separate property. With a divorce or separation, the marital property is divided between the spouses while each spouse keeps his or her own separate property. Marital property includes any assets or debts acquired during the marriage, excluding gifts, inheritances or sometimes personal injury compensation awards given to one party. The property a spouse brought into a marriage is usually considered separate property so long as its title remains in his or her name. Our attorneys can help spouses in equitable distribution matters by doing the following: Collecting information on both spouses’ property during discovery

Identifying what could qualify as marital and separate property

Negotiating the distribution of assets and debts

Presenting evidence to a judge relating to factors (listed below) that influence how distribution is determined

The process of determining what property is marital property and what property is separate property could be simplified by executing a marital agreement

, such as a pre-nuptial agreement

or a post-nuptial agreement

. Without these documents, though, a couple’s marital property may be divided by the laws of equitable distribution. **What is Equitable?**

New York’s Domestic Relations Law outlines multiple factors that courts must consider when deciding how the marital property should be distributed between the parties. The factors are the following: Each party’s income and property when they got married and at the time of the divorce filing

The marriage’s duration and each party’s health and age

The custodial parent’s need to use or own the marital home

Any lost pension or inheritance rights

Any lost health insurance benefits

Any maintenance (e.g. spousal support) awards

Any contributions a party made to acquiring marital property, even though he or she does not have title to it, including joint efforts or spending contributions and services one spouse made or provided to help the other advance his or her career or career potential

The liquidity of the marital property (e.g. cash vs. stock or real property)

Each party's financial outlook

Each party's business interests and/or component assets;

Tax considerations

Either spouse's "wasteful dissipation" (e.g. reckless spending, improper maintenance) of assets

Any unfair transfers or encumbrances made while considering divorce or separation actions

Any other considerations the court deems just and proper

Tully Rinckey PLLC's divorce lawyers can represent spouses throughout Central New York, including Syracuse, Cicero, North Syracuse, Manlius, Liverpool, East Syracuse, Cazenovia, Baldwinsville, and DeWitt. Call today to schedule a meeting with one of our divorce attorneys at 315-492-4700 or e-mail info@1888law4life.com

. [Click here](#)

to view a video about our consultation process.

Our office is minutes away from Destiny USA, formerly the Carousel Mall, and several courthouses. Located in Franklin Square, near exits for I-81 and I-690, our office is easy to get to and offers plenty of nearby parking.

If your legal matter is urgent, call 518-727-3593 to speak to an attorney 24 hours a day, seven days a week. The firm is responsive to the needs of current and prospective clients. We will respond to phone calls within normal business hours and e-mails within hours on the same business day. The quickest way to get a hold of us is by calling. During normal business hours, we have a client relations team that can put potential clients in touch with the attorney whom they need. If you call or e-mail us after hours, you should expect to hear from our office by the next business day.