



PROPERTY DIVISION DURING DIVORCE

In a divorce or legal separation, all property, including assets and debts acquired during the marriage, must be divided between the spouses. California is a community property state, which means that property and/or debts acquired during the marriage are presumed to be owned equally by both spouses.



COMMUNITY PROPERTY – OWNED OR ACQUIRED TOGETHER

- Community property is property that the spouses earned or acquired during their marriage; this includes real estate, vehicles, financial assets, retirement accounts, and debts.
- In a divorce, all community property will be divided equally.



SEPARATE PROPERTY – OWNED OR ACQUIRED SEPARATELY

- Separate property is property acquired before marriage or after separation, or by gift or inheritance.
- In a divorce, separate property is not subject to division.



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- In California, property will be divided equally between the spouses.
- The goal is to achieve an overall division of the net value of the community property.
- Spouses can agree to separate their property without court involvement.
- If they cannot agree, a judicial officer will make the decision based on community property laws.