

CONNECTICUT DIVORCE: PROPERTY DIVISION (“EQUITABLE DISTRIBUTION”)

Introduction

In any action for Divorce, Annulment, or Legal Separation, Connecticut law provides that the Court may order any part of the property of the Husband or the Wife to the other person. This is referred to as equitable distribution of marital property.

What Is Considered "Marital Property"?

Connecticut law is different from the laws in many other states in that *all* of the property of the parties is considered "marital property," which may be (but not necessarily is) subject to distribution.

First, the Connecticut statute does not contain any distinctions or limitations based upon title or form of ownership. It does not matter if the property is in the name of one spouse or the other. Distribution is not limited to property held by the spouses jointly. The fact that an asset is solely in the name of one party does not preclude the court from distributing all or part of the asset to the other spouse.

Second, the Connecticut statute does not limit distribution to property acquired during a particular period of time. Property acquired before the marriage, during the marriage, and after the separation of the parties may all be subject to distribution.

Third, unlike some other jurisdictions, Connecticut law does not make any distinctions based on how the asset was acquired. For example, Connecticut does not automatically exempt assets which a spouse inherited or received as a gift.

What Determines How the Property Is Distributed?

It is important to note that although the court has broad power to redistribute the property of either or both of the parties, this does not mean that either party automatically has an ownership interest in the property of the other spouse. Connecticut by no means is a community property state. Instead the court must consider a number of "factors" in determining how the marital property should be distributed at the time of entry of the decree. These factors are--

1. the length of the marriage;
2. the causes for the break-up of the marriage;
3. the age of the parties;
4. the health of the parties;
5. the station of the parties;
6. the occupation of the parties;
7. the vocational skills and employability of the parties;
8. the estates of the parties;

9. the liability and needs of the parties;
10. opportunity for future acquisition of assets and income;
11. the contribution of each party to the acquisition, preservation or appreciation of assets;
and
12. the existence of other factors.

The meaning of each of these factors is explained in my legal guide: "Factors Affecting Property Distribution and Alimony Awards"

Additional Resources

Connecticut General Statutes Annotated § 46b-81.