

## FACTORS FOR EQUITABLE DISTRIBUTION IN PENNSYLVANIA

Pennsylvania, like most jurisdictions, is a no fault state, meaning that fault is not assigned to either party when entering a divorce decree. The same is true for determining equitable distribution. The behavior of one spouse during the marriage or after (short of dissipating marital assets after separation), is not considered when determining percentages for equitable distribution purposes.

The factors used to determine equitable distribution and the percentage of the division of the marital assets include;

- The assets of each spouse and the assets that are considered to be marital
- The value of the assets, including any increase of value of a marital asset that occurred post separation (Less post separation contributions)
- The marital debt of the parties
- The financial position of both spouses at the time of the negotiations
- If children are involved, the party who has primary custody of the child(ren)

The court does not take into consideration if one spouse was a “bad actor” during the marriage or whether one spouse did not work or did not contribute to the marriage. The court simply looks at the division of the marital estate as more of a business transaction, such as the dissolution of a partnership.

It is often very frustrating for a spouse who is the higher earner and provider to realize that the spouse who, in their view, did not contribute to the marriage. However, courts do not take behavior into account when deciding equitable distribution.

The best way to ensure that you have the best possible outcome in your divorce is to have the best and most knowledgeable representation. Please contact the Law Office of Robin J. Gray and schedule a consultation for any questions you may have about divorce, equitable distribution or any other legal needs.