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Guidelines Courts Use When Deciding How to Separate Debts of the Married Couple

Prior to separating, you and your spouse might spend a lot of time talking about who gets what in terms of property. Although the asset split is important, just as important is figuring out how to split your debt. If you can't come to an agreement, you leave the issue for the judge to decide. Although every case is different, judges will consider a few basic guidelines.



- 1. Marital debt is usually debt that you incurred before you split up. This is especially true for money you borrowed to pay for necessities like food, shelter, and clothing.
- 2. Luxury debt, meaning items you bought on credit, will also be subject to a split if you got them before you separated. The idea is that you both agreed to take the on the debt. Exceptions might apply and usually debt incurred by luxuries bought after you separated belong to the spouse who bought them.

Dealing With Fights Over Who Gets the House

Other than custody disputes, arguments over who gets the house may be one of the most stress-inducing aspects of planning to divorce. Married couples often have strong emotional attachments to the house as it generally represents the stable family life they were hoping would last forever.



In the end though, deciding who gets the house will undoubtedly require you to separate your emotions from financial facts. Ask yourself if you really, truly want the house or just what it represents? If you do want it, can you really afford it? If the answer to either question is no, then the thing to do is sell the house and divide the proceeds. Your lawyer can advise you about your best options.

If you decide you want the house, you'll have to get it appraised or otherwise determine its fair market value so you can "buy" out your spouse's share.

How to Handle Custody Disputes Over Pets

A very common problem for divorcing couples is who gets the pets after the split? This issue can be fraught with emotions and stress. Although it may seem callous to think of it this way, in a legal sense, pets are considered personal property. As such, decisions on who gets them are not really part of a custody dispute like children are. In general, courts decide disputes over pets using principles of fairness.



The first step in determining who gets the pet is to determine any monetary value the pet may have. If Fido is a championship Yorkie, she may have value as breeding stock. The property settlement should account for that. Most true companion animals have emotional, not financial value. As such, the court might look at who can best care for the dog/cat and whether kids have emotional bonds with them as well.

Your case is important to us. If we can't help you, we'll do our best to refer you to someone who can.

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