



Property Division Statutes in 2024

This chart concerns property division in divorce proceedings. An explanation of each column in Chart 5 is provided below. The content is based on the text of the state statutes; citations are included in the “Statutes” column.

For information about the chart’s development and secondary sources consulted, please see the [Family Law Quarterly Charts 2024 Introduction and Bibliography](#).

Community Property State

This column identifies states that are considered “community property” jurisdictions. Generally, in community property jurisdictions, property acquired by either party during the marriage may be considered to be owned equally by both spouses while they are married.

Only Marital/Community Property Divided

A “Yes” in this column means that the state’s statutes generally limit property division to marital or community property (typically, property acquired by either party after the marriage), and do not authorize division of separate property (for example, property acquired before the marriage, or by inheritance).

Some states with a “No” in this column consider all of the parties’ property together when dividing the property. Other states divide a party’s “separate” property in limited circumstances.

This chart does not address state rules allowing for separate property to be converted to marital property (for example, through commingling), or rules concerning appreciation in value of separate property.

Equal Property Division in Statute

A “Yes” in this column means that the state’s statutory language specifically includes a presumption or preference that marital property should be divided equally between the parties. Some of these states also specify exceptions, and/or circumstances for rebutting a presumption of equal division.

A “No” in this column generally means that the state’s statutes provide that property should be divided equitably between the parties, which does not necessarily mean equal distribution.

Fault or Non-Economic Conduct Considered

Some state property division statutes provide for consideration of marital fault, and/or conduct by a party that is not limited to economic misconduct such as dissipation of assets. Examples of non-economic conduct include domestic violence and adultery.

A “Yes” in this column means that the state’s statute specifically provides for consideration of fault or non-economic conduct when dividing property.

A “No” in this column means either that the state’s law states that misconduct should not be considered, or that the state’s law does not specifically mention fault or non-economic conduct as a factor to consider.

Notes: This column provides further detail about some of the statutes listed in the chart. Asterisks (*, **, or ***) show which statute(s) and which column relate to the information provided. This column also includes discussion of some 2024 legislation that amended the statutes in the chart. Discussion of 2024 amendments is highlighted.

Alabama

Statutes: Ala. Code §§ 30-2-51*, 30-2-52

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes

Notes: * “[T]he judge may not take into consideration any property acquired prior to the marriage of the parties or by inheritance or gift unless the judge finds from the evidence that the property, or income produced by the property, has been used regularly for the common benefit of the parties during their marriage.”

Alaska

Statutes: Alaska Stat. §§ 25.24.160**/**, 34.77.030*

Community Property State: No*

Only Marital/Community Property Divided: No**

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes***

Notes: *Spouses may enter a “community property agreement” providing that “all property acquired by either or both spouses during the marriage is community property.”

** “[T]he court may provide . . . for the division between the parties of their property, including retirement benefits, whether joint or separate, acquired only during marriage, in a just manner and without regard to which of the parties is in fault; however, the court, in making the division, may invade the property, including retirement benefits, of either spouse acquired before marriage when the balancing of the equities between the parties requires it. . . .”

*** Although property is divided “in a just manner and without regard to which of the parties is in fault,” statutory factors considered include “the conduct of the parties.”

Arizona

Statutes: Ariz. Rev. Stat. §§ 25-211, 25-213, 25-318*, 25-318.02**

Community Property State: Yes

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*/**

Notes: * “Although property is generally divided “without regard to marital misconduct”:

Statutes: “This section does not prevent the court from considering all actual damages and judgments from conduct that resulted in criminal conviction of either spouse in which the other spouse or a child was the victim. . . .”

** “[T]he court shall not award any community property to . . . a person who is

convicted of an offense and who is sentenced to at least eighty years in prison or to life in prison, with or without the possibility of parole.”

Arkansas

Statutes: Ark. Code Ann. § 9-12-315

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Notes: *“All [non-marital] property shall be returned to the party who owned it prior to the marriage unless the court shall make some other division that the court deems equitable taking into consideration those factors enumerated in subdivision (a)(1) of this section, in which event the court must state in writing its basis and reasons for not returning the property to the party who owned it at the time of the marriage.”

California

Statutes: Cal. Fam. Code §§ 63, 65, 751, 752, 760, 2550, 2551, 2581, 4324.5*, 4325**

Community Property State: Yes

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: Yes*/**

Notes: * “[W]here there is a criminal conviction for a violent sexual felony or a domestic violence felony perpetrated by one spouse against the other spouse and the petition for dissolution is filed before five years following the conviction and any time served in custody, on probation, or on parole . . . (4) The injured spouse shall be entitled to 100 percent of the community property interest in the retirement and pension benefits of the injured spouse.”

**For domestic violence misdemeanors, after considering statutory factors, “[t]he court

may determine, based on the facts of a particular case, that the injured spouse is entitled to up to 100 percent of the community property interest in the injured spouse's retirement and pension benefits."

Colorado

Statutes: Colo. Rev. Stat. § 14-10-113

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Connecticut

Statutes: Conn. Gen. Stat. § 46b-81

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes**

Notes: *The court "may assign to either spouse all or any part of the estate of the other spouse."

**When dividing property, the court "shall consider . . . the causes for the . . . dissolution of the marriage," as well as other factors.

Delaware

Statutes: Del. Code Ann. tit. 13, § 1513

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

District of Columbia

Statutes: D.C. Code § 16-910

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors considered when dividing property include “the circumstances which contributed to the estrangement of the parties.”

Florida

Statutes: Fla. Stat. § 61.075*

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Notes: *2024 amendments address extraordinary circumstances that may justify an interim partial distribution; interspousal gifts of real property during the marriage; and marital interests in a closely held business.

Georgia

Statutes: Ga. Code Ann. §§ 19-3-9, 19-5-13*

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No*

Notes: *Property division factors are judicially developed (not statutory). Courts may consider “the conduct of the parties” when dividing property. Bloomfield v. Bloomfield, 646 S.E.2d 207, 211 (Ga. 2007) (citation omitted).

Hawaii

Statutes: Haw. Rev. Stat. § 580-47

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *Court’s authority on divorce includes entering “orders as shall appear just and equitable . . . finally dividing and distributing the estate of the parties, real, personal, or mixed, whether community, joint, or separate; and (4) allocating, as between the parties, the responsibility for the payment of the debts of the parties whether community, joint, or separate. . . .”

Idaho

Statutes: Idaho Code §§ 32-712, 32-903, 32-906, 32-912

Community Property State: Yes

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Illinois

Statutes: 750 Ill. Comp. Stat. 5/503

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Indiana

Statutes: Ind. Code §§ 31-15-7-4*, 31-15-7-5

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Notes: *"[T]he court shall divide the property of the parties, whether: (1) owned by either spouse before the marriage; (2) acquired by either spouse in his or her own right: (A) after the marriage; and (B) before final separation of the parties; or (3) acquired by their joint efforts."

Iowa

Statutes: Iowa Code § 598.21

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *"The court shall divide all property, except inherited property or gifts received or expected by one party, equitably between the parties. . . ."

Statutes: "Property inherited by either party or gifts received by either party prior to or during the course of the marriage is the property of that party and is not subject to a

property division under this section except upon a finding that refusal to divide the property is inequitable to the other party or to the children of the marriage.”

Kansas

Statutes: Kan. Stat. Ann. §§ 23-2801, 23-2802*

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *A divorce decree “shall divide the real and personal property of the parties, including any retirement and pension plans, whether owned by either spouse prior to marriage, acquired by either spouse in the spouse’s own right after marriage or acquired by the spouses’ joint efforts. . . .”

Kentucky

Statutes: Ky. Rev. Stat. Ann.

Statutes: § 403.190

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Louisiana

Statutes: La. Stat. Ann. §§ 9:2801, 9:2801.1, 9:2801.2; La. Civ. Code Ann. arts. 2336, 2338, 2341, 2369.2

Community Property State: Yes

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Maine

Statutes: Me. Stat. tit. 19-A, §§ 953*, 4102**

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*/**

Notes: *Statutory factors to consider in dividing marital property include “[e]conomic abuse by a spouse.”

**“Economic abuse” is defined as “causing or attempting to cause an individual to be financially dependent by maintaining control over the individual’s financial resources, including, but not limited to, unauthorized or coerced use of credit or property, withholding access to money or credit cards, forbidding attendance at school or employment, stealing from or defrauding an individual of money or assets, exploiting the individual’s resources for personal gain of the defendant or withholding physical resources such as food, clothing, necessary medications or shelter.”

Maryland

Statutes: Md. Code Ann., Fam. Law §§ 8-201, 8-205*

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors considered when dividing property include “the circumstances that

contributed to the estrangement of the parties. . . .”

Massachusetts

Statutes: Mass. Gen. Laws ch. 208, § 34

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes**

Notes: * “[T]he court may assign to either husband or wife all or any part of the estate of the other, including but not limited to, all vested and nonvested benefits, rights and funds accrued during the marriage and which shall include, but not be limited to, retirement benefits, military retirement benefits if qualified under and to the extent provided by federal law, pension, profit-sharing, annuity, deferred compensation and insurance.”

**Factors considered when dividing property include “the conduct of the parties during the marriage. . . .”

Michigan

Statutes: Mich. Comp. Laws §§ 552.19, 552.23*/**, 552.401

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes**

Notes: */** “[I]f the estate and effects awarded to either party are insufficient for the suitable support and maintenance of either party and any children of the marriage who are committed to the care and custody of either party, the court may also award to either party the part of the real and personal estate of either party and spousal support out of the real and personal estate, to be paid to either party in gross or otherwise as

the court considers just and reasonable, after considering the ability of either party to pay and the character and situation of the parties, and all the other circumstances of the case.”

Minnesota

Statutes: Minn. Stat. §§ 518.003, 518.58*

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *”If the court finds that either spouse’s resources or property, including the spouse’s portion of the marital property . . . are so inadequate as to work an unfair hardship, considering all relevant circumstances, the court may, in addition to the marital property, apportion up to one-half of the [nonmarital] property . . . to prevent the unfair hardship.”

Mississippi

Statutes: Miss. Code Ann. § 93-5-23

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No*

Notes: *Property division factors are not statutory. Case law factors include

Statutes: “[c]ontribution to the stability and harmony of the marital and family relationships as measured by quality, quantity of time spent on family duties and duration of the marriage.” *Ferguson v. Ferguson*, 639 So. 2d 921, 928 (Miss. 1994).

Missouri

Statutes: Mo. Rev. Stat. § 452.330

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors considered in dividing marital property include “[t]he conduct of the parties during the marriage.”

Montana

Statutes: Mont. Code Ann. § 40-4-202

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *“In dividing property acquired prior to the marriage, property acquired by gift, bequest, devise, or descent, property acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, bequest, devise, or descent, the increased value of property acquired prior to marriage, and property acquired by a spouse after a decree of legal separation, the court shall consider those contributions of the other spouse to the marriage, including: (a) the nonmonetary contribution of a homemaker; (b) the extent to which the contributions have facilitated the maintenance of the property; and (c) whether or not the property division serves as an alternative to maintenance arrangements.”

Nebraska

Statutes: Neb. Rev. Stat. § 42-365

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Nevada

Statutes: Nev. Rev. Stat. §§ 123.130, 123.220, 123.225, 123.230, 125.150*

Community Property State: Yes

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Notes: *"In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse's support or the separate property of either spouse for the support of their children as is deemed just and equitable."

New Hampshire

Statutes: N.H. Rev. Stat. Ann.

Statutes: § 458:16-a

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: Yes**

Notes: *"Property shall include all tangible and intangible property and assets, real or personal, belonging to either or both parties, whether title to the property is held in the name of either or both parties."

**Factors considered in determining that "an equal division would not be appropriate or equitable" include "[t]he fault of either party as specified in RSA 458:7 if said fault caused the breakdown of the marriage and: (1) Caused substantial physical or mental

pain and suffering; or (2) Resulted in substantial economic loss to the marital estate or the injured party.”

New Jersey

Statutes: N.J. Stat. Ann.

Statutes: §§ 2A:34-23*/**, 2A:34-23.1

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Under 2024 amendments, “[t]he court may not make an award concerning the equitable distribution of property on behalf of a party barred from inheriting” because of responsibility for the “intentional killing of the decedent,” or “on behalf of a party responsible for an attempt or conspiracy to murder the other party.” The statute previously barred the court from making an award for a party “convicted of an attempt or conspiracy to murder the other party.”

**The 2024 amendments further provide that “the court’s authority to effectuate an equitable distribution of the property shall not abate” in specified circumstances following the death of a party to the litigation prior to the entry of the final judgment.”

New Mexico

Statutes: N.M. Stat. Ann. §§ 40-3-8, 40-3-11 to 40-3-14, 40-4-7**, 40-4-12*

Community Property State: Yes

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No**

Fault or NonEconomic Conduct Considered: No

Notes: *In proceedings for the dissolution of marriage, separation or support between husband and wife, the court may make an allowance to either spouse of the

other spouse's separate property as alimony and the decree making the allowance shall have the force and effect of vesting the title of the property so allowed in the recipient."

**Equal division of community property is provided for in case law. See, e.g., *Vanderlugt v. Vanderlugt*, 429 P.3d 1269, 1273 (N.M. Ct. App. 2018)."

New York

Statutes: N.Y. Dom. Rel. Law § 236

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors to be considered when dividing marital property include "whether either party has committed an act or acts of domestic violence . . . against the other party and the nature, extent, duration and impact of such act or acts. . . ."

North Carolina

Statutes: N.C. Gen. Stat. § 50-20

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

North Dakota

Statutes: N.D. Cent. Code § 14-05-24

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No**

Notes: *"When a divorce is granted, the court shall make an equitable distribution of the property and debts of the parties."

**Factors are not in the statute, but case law provides for consideration of the "conduct of the parties during marriage. . . ." *Buchholz v. Buchholz*, 982 N.W.2d 275, 283 (N.D. 2022).

Ohio

Statutes: Ohio Rev. Code Ann. § 3105.171

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Notes: *"[T]he court shall divide the marital and separate property equitably between the spouses, in accordance with this section. . . . Except as otherwise provided . . . the court shall disburse a spouse's separate property to that spouse. If a court does not disburse a spouse's separate property to that spouse, the court shall make written findings of fact that explain the factors that it considered in making its determination that the spouse's separate property should not be disbursed to that spouse."

Oklahoma

Statutes: Okla. Stat. tit. 43, § 121

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Oregon

Statutes: Or. Rev. Stat. §§ 107.036, 107.105*

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *Statute provides “[f]or the division or other disposition between the parties of the real or personal property, or both, of either or both of the parties as may be just and proper in all the circumstances.”

Pennsylvania

Statutes: 23 Pa. Cons. Stat. §§ 3501, 3502

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Puerto Rico

Statutes: P.R. Laws Ann. tit. 31, §§ 6951–71, 7013, 7018

Community Property State: Yes

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Rhode Island

Statutes: R.I. Gen. Laws § 15-5-16.1

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors considered when dividing property include “[t]he conduct of the parties during the marriage.”

South Carolina

Statutes: S.C. Code Ann. §§ 20-3-620*, 20-3-630

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors considered when dividing property include “marital misconduct or fault of either or both parties, whether or not used as a basis for a divorce as such, if the misconduct affects or has affected the economic circumstances of the parties, or contributed to the breakup of the marriage. . . .”

South Dakota

Statutes: S.D. Codified Laws

Statutes: §§ 25-4-44*, 25-4-45.1

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *"When a divorce is granted, the courts may make an equitable division of the property belonging to either or both, whether the title to such property is in the name of the husband or the wife."

Tennessee

Statutes: Tenn. Code Ann. § 36-4-121

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Texas

Statutes: Tex. Fam. Code Ann. §§ 3.001, 3.002, 3.003, 3.102, 7.001*/**, 7.002-.009

Community Property State: Yes

Only Marital/Community Property Divided: Yes*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No**

Notes: *Reference in statute to "division of the estate of the parties" concerns community property. See *Cameron v. Cameron*, 641 S.W.2d 210, 214-15 (Tex. 1982).

**Fault is not specifically discussed in the statute but is a factor for making a "just and right" division according to case law. See, e.g., *In re Marriage of Collinsworth*, 598 S.W.3d 357, 365 (Tex. App. 2020) ("The court may consider the 'fault in breaking up the marriage[,] though the community-property division 'should not be a punishment for the spouse at fault.'" (citations omitted)).

Utah

Statutes: Utah Code Ann. § 81-4-204*/**, 81-4-406*/**, 81-4-502*/**

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: *The statutes refer broadly to “equitable orders relating to . . . property”; provide that a court may “award to a spouse the possession of any real or personal property of the other spouse or acquired by the spouses during the marriage”; and refer to some circumstances that impact division of “marital property.” Case law provides for division of separate property in “exceptional” or “extraordinary” circumstances. See, e.g., *Lindsey v. Lindsey*, 392 P.3d 968, 978 (Utah Ct. App. 2017); *Henshaw v. Henshaw*, 271 P.3d 837, 845–46 (Utah Ct. App. 2012).

**2024 amendments repealed, revised, and renumbered statutes concerning property division as part of Utah’s Domestic Relations Recodification, 2024 Utah Laws Ch. 366 (S.B. 95).

Vermont

Statutes: Vt. Stat. Ann. tit. 15, § 751

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes**

Notes: *All property owned by either or both of the parties, however and whenever acquired, shall be subject to the jurisdiction of the court. Title to the property, whether in the names of either or both parties, or a nominee, shall be immaterial, except where equitable distribution can be made without disturbing separate property.”

**Statutory factors considered for property division include “[t]he respective merits of

the parties.”

Virginia

Statutes: Va. Code Ann. § 20-107.3

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes*

Notes: *Factors to consider for property division include “[t]he circumstances and factors which contributed to the dissolution of the marriage. . . .”

Washington

Statutes: Wash. Rev. Code §§ 26.09.080*, 26.16.030

Community Property State: Yes

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: No

Notes: * “[T]he court shall, without regard to misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors. . . .”

West Virginia

Statutes: W. Va. Code §§ 48-1-233, 48-1-237, 48-7-101, 48-7-103

Community Property State: No

Only Marital/Community Property Divided: Yes

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Wisconsin

Statutes: Wis. Stat. §§ 766.001, 766.31**, 766.51, 767.61*

Community Property State: Yes

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: Yes

Fault or NonEconomic Conduct Considered: No

Notes: *Non-marital gifts received by a party and inheritances or other property received “[b]y reason of the death of another” generally “remain the property of [the receiving] party” but may be subject to division “if the court finds that refusal to divide the property will create a hardship on the other party or on the children of the marriage. If the court makes such a finding, the court may divest the party of the property in a fair and equitable manner.”

**2024 amendments addressed classification of digital property, including by enacting WIS. STAT. § 766.625 (titled “Classification of digital property, including the content of electronic communications”).

Wyoming

Statutes: Wyo. Stat. Ann. § 20-2-114

Community Property State: No

Only Marital/Community Property Divided: No*

Equal Property Division in Statute: No

Fault or NonEconomic Conduct Considered: Yes**

Notes: ** “[T]he party through whom the property was acquired” is a factor considered when dividing the parties’ property.

**When dividing property, the court may consider the “respective merits of the parties. . . .”

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