

Everything Including The Kitchen Sink

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When dividing property in a divorce, you first have to figure out what is considered "marital property" and therefore subject to division.

The states differ on how they define marital property. The majority of states recognize a distinction between marital property and separate property. Marital property is divided, separate property is not (the definition of the two types of property is the subject of another article).

Some states, however, are called "kitchen sink" states. That's because all property owned by either spouse (everything including the kitchen sink) is considered marital property and thus can be divided in a divorce.

The kitchen sink states are: Connecticut, Indiana, Kansas, Massachusetts, Montana, New Hampshire, North Dakota, Oregon, South Dakota, and Vermont.

The rest of the states recognize both marital and separate property. Some of those states, however, allow separate property to be divided at the discretion of the judge. These are called "hybrid states." In a divorce, the presumption is that the separate property will go to the spouse who owns it. But if justice demands it, it can be divided along with the marital property.

The hybrid states are: Alaska, Arkansas, Hawaii, Iowa, Michigan, Minnesota, Utah, Washington, and Wisconsin.

If your state was not mentioned in either list, then it is a pure separate property state. That means the courts don't have the authority to divide the separate property. It automatically stays with the one who owns it.

For more information:

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