

Equitable Distribution

Overview of Equitable Distribution Laws in New Jersey

In any divorce case in New Jersey the issue of equitable distribution is front and center. Equitable distribution is the process that the New Jersey Courts use to divide marital assets and liabilities in a divorce. In determining the distribution of assets, the court must consider 16 different factors under statute (N.J.S.A. 2A: 34 – 23.1). These factors must be analyzed and are critical in determining what a fair and equitable distribution of marital assets will be. The weight that a court gives to each of these factors under the statute is within the discretion of the judge. The factors set forth in the statute are as follows:

- The duration of the marriage or civil union;
- The age of physical and emotional health of the parties;
- The income or property brought to the marriage or civil union by each party;
- The standard of living established during the marriage or civil union;
- Any written agreement made by the parties before or during the marriage or civil union concerning an arrangement of property distribution;
- The economic circumstances of each party at the time of the division of property becomes effective;
- The income and earning capacity of each party, including educational background, training, employment skills, work experience, length of absence for the job market, custodial responsibilities for children, and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage or civil union;
- The contribution by each party to the education, training or earning power of the other;
- The contribution of each party to the acquisition, dissipation, preservation, depreciation or appreciation in the amount or value of marital property, or the property acquired during the civil union as well as the contribution of a party as a homemaker;
- The tax consequences of the proposed distribution to each party;
- The present value of the property;
- The need of a parent who has physical custody of a child to own or occupy the marital residence or residence shared by the partners in a civil union couple and to use or own the household effects;
- The debts and liabilities of the parties;

- The need for creation, now or in the future, of a trust fund to secure reasonably foreseeable medical or educational costs for a spouse, partner in a civil union couple or children;
- The extent to which a party deferred achieving their career goals; and
- Any other factors the court may deem relevant.

The presentation of evidence to address the distribution of assets and liabilities is critical and requires a New Jersey lawyer skilled in handling complex equitable distribution cases. Meticulous case preparation and evidence presentation can make the difference in a favorable percentage which could result in significant change in the asset distribution.

Consult a New Jersey Divorce Attorney Experienced in Handling Equitable Distribution

If you are contemplating a divorce or are already going through the process, it is critical to seek out legal guidance on property and asset distribution. While in many cases the parties to a divorce can work with their lawyers to reach a marital property distribution agreement outside of court, there are situations where the division of assets and liabilities will need to be decided by a judge. The attorneys at Einhorn Barbarito have extensive experience advising and representing individuals with equitable distribution matters. Our New Jersey equitable distribution lawyers work to achieve favorable outcomes for our clients through negotiation, mediation, and litigation. [Contact](#) us today to schedule a consultation with our family law team by calling [973-627-7300](tel:973-627-7300).