



Pascazi Law Offices PLLC

MICHAEL S. PASCAZI, ESQ.

CÉLINE MOUCHON PASCAZI, M.P.S.

WWW.PASCAZILAW.COM

INFO@PASCAZILAW.COM

Divorce Myths and Misconceptions

June 20, 2011

- The deed to our house is in my spouse's name only; therefore, I cannot get part of the value of any part of it in my divorce.
- My spouse works, and I do not; I never worked during the marriage, therefore, I am not entitled to any of his/her earnings in my divorce.
- All of our bank accounts are in my spouse's name; therefore, I cannot be awarded any of those funds in my divorce.
- My spouse earns more than me; therefore, he/she will get custody of the children in the divorce.
- The mother always gets custody of the children in a divorce.

One cannot rely upon such generalities, as above. They are often dispensed by relatives, friends and the occasional "barstool lawyer". There is a strong presumption in New York State Law that property acquired during a marriage, with a few exceptions, is marital property subject to equitable distribution.

The devil is in the details. For instance: How was the property acquired? What monies were used to pay for it? Where did those monies come from? Was it a gift from outside the marriage? How was the upkeep of the property paid for? Etc.... These are fact specific issues, which must be carefully analyzed by an experienced divorce attorney. New York Law, for instance, does not contain a presumption that custody of a child or children is always granted to the mother. The law is neutral in this regard. The "best interest of the child" is what guides the court on this issue.

**Past performance is no guaranty of future success.
Each case is based upon its own unique facts and circumstances
which must be addressed on their own merits.**

1065 Main Street, Suite D
Fishkill, N.Y. 12524 U.S.A.

Ph: 845.897.4219 Fax: 845.468.7117

22 Avenue Pierre Koenig
95200 Sarcelles (Paris) France

Ph: +33.9.77.21.86.40