

Property division in California: Oh, what a divorce!

Frankie Valli's recent divorce matter helps elucidate the irregularities in California's property division laws.

Recently, the California Supreme Court used the divorce of American pop singer Frankie Valli, former front man of "The Four Seasons," as a lesson in California's community property law.

In a unanimous ruling, the court opined that a \$3.75 million life insurance policy, which was purchased by Valli in 2003, was considered community property since it was acquired during the singer's marriage and with funds from a jointly owned account. In other words, both Valli and his former wife owned the policy in common, and this was true even though he had formerly designated her as the sole owner and beneficiary of the policy.

California's community property laws

After suffering from a heart condition, Frankie Valli purchased a life insurance policy in 2003 in his wife's name. Valli and his wife were married for two decades and had three children before their relationship ended in 2004. During the dissolution matter, he asserted that he still owned half of the policy's total value.

In California, anything that a spouse purchases from a joint bank account during marriage (aside from small personal gifts) is considered community property. This means both parties to a marriage own such property or assets in a 50-50 split. This is true unless a spouse specifically agrees, in writing, to forfeit his or her 50 percent share.

In Valli's case, the court overturned an appellate decision, which permitted Valli's former wife to claim the rights to the policy attained in her name. This is because there was no expressed relinquishment of the property by Frankie Valli. California has always been a community property state; however, in 1984, the jurisdiction added into the law the requirement of a written agreement when one spouse relinquished rights to the ownership of property purchased with marital funds. As a result, the higher court's ruling is in accordance with the community property distribution system.

It helps to retain legal assistance

This case emphasizes the right to 50 percent of marital property in California, save a few exceptions. Moreover, the recent case is a true testament to the unique property division laws of California. Most other states in the country utilize "equitable distribution" principles. In such matters, a 50-50 split of marital property is not necessarily presumed.

If you are going through a divorce and want to know how the dissolution process will affect your finances, it helps to retain a lawyer. An attorney versed in family law can help you uncover your rights and obligations in the context of the state's unique laws.

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