

Who Gets the House in a Divorce? The Court Will Decide Based on These 3 Factors

Description

The layers of divorce are an endless corridor of questions. There are three major things that decide who gets the home in a divorce, but [how much does a divorce cost](#)? Your home is a huge investment, and can very well be the most expensive thing in a relationship. This is why going for the cheapest option you find when it comes to lawyers can be the undoing of some people's cases before they get going. There are lawyers out there like Peters May ([petersmay.com](#)) that specialize in separation and divorce, but before you get too deep into a divorce, keep these things in mind when trying to claim the home.

1. Children

The entire divorce process is traumatizing to kids of any age. That is why when the [house is up for grabs](#), children become the pivotal reason the home goes to the primary caregiver. This is usually the person that spends the most time with the kids. Courts don't like ripping children from the home they grew up in, or forcing them to change schools. Any of these things can disrupt their development, causing enough stress to completely change the outlook of their lives.

If both parents are working and there is a primary care person that lives outside of the home, things become less clear cut. In the rare case a divorce happens while the mother is on maternity leave, it will come down to an individual court's opinion. But no matter which way you look at it, when children are involved, the primary caregiver will always have the advantage.

2. Was The Home Owned Before Marriage?

When the home is owned by one person before getting married, then there are a few things to consider. Do you have children together? How long have you been married? If there is a mortgage, who paid it during the duration of the marriage? The original owner has an edge in all of these scenarios, even when children are involved.

Paperwork of who took care of the mortgage, utilities and other home related bills are required for a divorce. Lack of paperwork is a cause for alarm, even if you are the homeowner. If you decide to add your spouse to the original deed after getting married, then a court will look at it as equal ownership. And yet again, [when children are involved](#), the scale for ownership will tip more in the favor of the primary caregiver.

In that scenario, the original owner can easily be at a disadvantage that ends with the loss of their home.

3. Domestic Violence

Domestic violence is frowned upon worldwide. When it comes to [domestic violence divorce settlements](#), things can get even more complicated. When dividing up the assets during a divorce, proof of domestic violence is a big deal. Not only will a court favor the abused, but they are more likely to kick the abuser out (or grant a speedy restraining order) to protect the victim. The experts at [thefloridatriallawyer.com](#), explain that introducing domestic violence to a divorce proceeding is a huge deal, and no two cases are alike. Therefore the plaintiff needs to be sure about the pieces of evidence to support their claim.

Wrap Up

Don't assume that there is a guarantee that you'll get the home in a divorce. Be cautious about the things you do leading up to a separation, and document everything. It's better to be prepared to lose a home than to go into court and get blindsided.

Date Created
2020/07/06

default watermark