



# *Divorce in Minnesota*

## **7 Things You Must Know About Divorce In Minnesota**

1. **It does not matter who is at fault.** Minnesota is a no-fault state. One party only needs to state that the marriage has been broken. The judge will not care about what happened or why.
2. **It does not matter whose name is on it, who bought it, or who spent it.** Property and debt incurred during the marriage is presumed to be marital property, even if during the marriage you have kept separate accounts. Marital property will be divided "fairly and equitably" in the divorce.
3. **Non-marital property will not be divided.** Generally, non-marital property will be awarded to the person who acquired it, but that party has the burden of proving and tracing the non-marital nature.
4. **The property valuation date occurs AFTER the divorce starts.** The date used to determine the value of the marital estate is one of the first court dates in the divorce case, not the date of separation or the date the divorce starts.
5. **Third parties need not follow the terms of your divorce.** Your decree may state that one spouse must refinance the home or pay the credit card debt. However, the mortgage company is not required to approve the refinance and the credit card company is not required to relieve the other spouse from liability. Know how to protect yourself and your credit.
6. **There is no magic calculator for spousal maintenance.** Spousal maintenance, an often contested issue, is determined on a case by case basis using several different factors.
7. **The divorce process can take 2 months or 2 years.** The length of the divorce process can vary greatly depending on the parties' ability to cooperate and the issues involved.

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