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# **Dividing Digital Assets in Divorce**

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NEW YORK (MainStreet)—Some are predicting the economic recovery could spark an uptick in divorces due to pent-up demand when people couldn't afford a divorce lawyer or <u>sell</u> the house. When couples divorce, a judge might decide how to divvy up assets like a house, bank accounts and retirement accounts, often based on decades of case law

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But what happens to digital assets like the couple's shared iTunes library or other accounts?

There aren't many cases for couples or their attorneys to use as a guide. As several publications have previously covered, digital assets are also increasingly becoming an issue in estate planning.

Although these digital assets aren't tangible

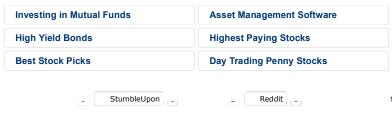
like a house car, or jewelry, they can still be considered marital property. When it comes to the <u>online</u> realm, the majority of states use a system called "equitable distribution," whereby any property that is acquired by either spouse during a marriage is considered "marital property" and assigned a value, according to Brian M. Moskowitz, a marital and family law attorney in Boynton Beach, Fla. "That property is then distributed equitably, or fairly, between the spouses," he says. "This doesn't always result in an even, 50/50 split of the property, but it does result in what is considered to be the fairest split."

Judges don't care which spouse actually downloaded songs on iTunes or built a Kindle library. "The digital asset would be treated just like a car that was purchased during a marriage and titled in only one spouse's name," Moskowitz says.

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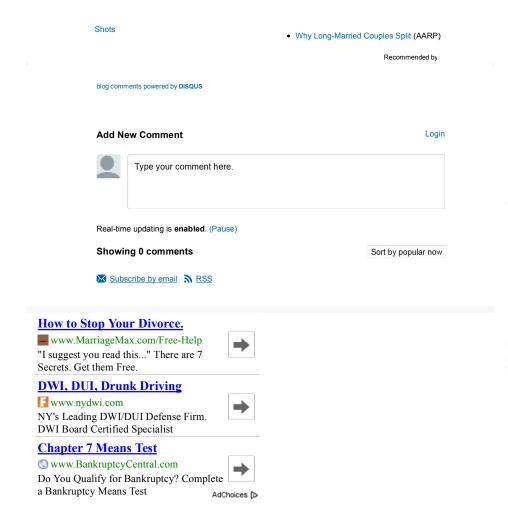
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