

Powerball Winner & Divorce?

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With the latest **Powerball** jackpot being the largest in history (\$1.5 billion), the issue of whether a lottery prize is subject to equitable distribution is certainly relevant, and may be a very real issue for some lucky winner(s). The answer to that inquiry is “it depends.” It depends on when the Complaint for Divorce is filed—before or after the big win.

It is a well-settled law that all assets and liabilities acquired during a marriage are subject to equitable distribution. The marriage lasts from the date of the marriage to the date the Complaint for Divorce is filed. Once the Complaint for Divorce is filed, any asset or liability acquired thereafter will not be subject to equitable distribution. In other words, the Complaint for Divorce sets the cut-off date for purposes of determining what assets are subject to equitable distribution.

If the Complaint for Divorce was filed prior to the lottery winner’s big win, the spouse of the lottery winner would be not so lucky, insofar as they would not be entitled to the winnings since it was won after the cut-off date.

If, however, the Complaint for Divorce is filed after the big lottery win, that prize is subject to equitable distribution. It is important to note that equitable distribution does not always mean that an asset is split equally—the Court must consider sixteen different factors in determining how a particular asset is divided.

Finally, the Family Court is a Court of equity, and in the event that the lottery prize is not subject to equitable distribution, there are equitable arguments that one could make for an unequal distribution of the rest of the marital assets, as well as other issues such as child support, alimony, etc. in light of the lottery winner’s prize.

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