

Who Controls the Money Doesn't Control the Divorce

August 19, 2025

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It's very common in a marriage for one spouse to earn most of the income or handle all the financial decisions. But when divorce happens, the spouse who hasn't managed the money often feels anxious or powerless. The good news is that the law provides protections to make sure both spouses are treated fairly, regardless of who made or controlled the money.

During a divorce, both spouses must provide full financial disclosure. That means:

- Listing income, bank accounts, retirement accounts, investments, and debts
- Producing tax returns, pay stubs, and account statements
- Explaining assets like real estate, businesses, or pensions

Even if your spouse controlled the accounts during the marriage, they must disclose everything in the divorce. If they try to hide assets, courts can impose penalties or sanctions.

Courts understand that one spouse may need money to get by while the divorce is pending. The dependent spouse has options like asking the court for:

- temporary spousal support (sometimes called "pendente lite" support) to cover living expenses until the divorce is final
- access to marital accounts to use for reasonable living expenses during the divorce, as long as money isn't wasted
- attorney's fees if one spouse has no access to funds to pay toward attorney's fees, so both sides can participate fairly

In most states, marital property includes income and assets acquired during the marriage — even if only one spouse earned the paycheck. That includes retirement accounts, savings, and property bought during the marriage, which are usually divided fairly (though not always 50/50), and debts, like mortgages or credit cards, are also divided. So even if you didn't control the finances, you still have a legal claim to your share of what was built during the marriage.

If one spouse has been financially dependent on the other, the court may award spousal support. This is not formulaic in most jurisdictions, and instead is based on factors such as:

- Length of the marriage
- Each spouse's income and earning ability
- Standard of living during the marriage

- Contributions to the household (including childcare and homemaking)
- Health of each spouse
- Age of the parties
- Cause of the breakup of the marriage

The goal is to ensure a fair transition, particularly for spouses who have given up career opportunities to support the family.

Before or during the divorce process, the dependent spouse can take steps to protect themselves. For instance, collect as much financial documentation as possible, copy it, and provide it to their lawyer. Inform your lawyer if you are aware of assets, even if you do not have access to the records. If possible, avoid using credit cards to survive. Taking on debt may lead to future complications, speak with your attorney about safer alternatives.

If your spouse made all of the money and managed the finances, you are not at their mercy in divorce. The law requires financial transparency, gives you the right to a fair share of marital assets, and provides ways to make sure you have the financial support you need during and after the process.

You don't need to have been the "breadwinner" to be treated fairly in a divorce.