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# Family MATTERS

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February 2009

## *Love and Marriage ... California Style*

This Valentine's Day, I want to share with you a candy-sized bite of legal history about love and marriage in California. Consider it food for thought.

You might know that California is a community property state. This means that California considers both spouses as equal contributors to the creation and operation of the family unit. All property acquired through the efforts of either spouse during the marriage belongs to both of them equally – one half to the husband and one half to the wife.

### *But did you know ...*

This advance in married women's property rights was first made in Spain. The English common law treated wives as legal extensions of their husbands and did not allow them to own property. By contrast, the Spanish gave married women equal rights to family property. When the Spanish colonized Mexico and what are now parts of the western and southwestern United States, they brought this system of laws with them.

Some historians believe that the Spanish community property rules survived even after California became a territory of the United States because it fit the needs of the rugged pioneers of the west. In the harsh conditions of the wild west, the men



wanted to ensure that their wives were provided for in the event that they died. And, of course, because men far outnumbered women in these western territories, the men wanted to give women extra incentives to join them in settling the frontier. What better incentive than the right to keep your hard-earned assets?

Today, nearly all of the community property states are in the western and southwestern part of the United States. Out of the 50 states and 1 federal district in the U.S., only 9 states are community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. (Puerto Rico allows property to be owned as community property and Alaska is an opt-in community property state.)

I hope you enjoyed this candy-sized bite of legal history.

HAPPY VALENTINE'S DAY!

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### *About Tali Klapach*

Tali Klapach is a partner at Klapach & Klapach. She graduated from Princeton University and Yale Law School, and clerked for the Chief Judge of the United States Second Circuit Court of Appeals. After practicing law for seven years at two prestigious law firms in San Francisco and Los Angeles, Tali started her own practice in trusts and estates. The goal of Klapach & Klapach is to combine the high quality service of a big law firm with the personal attention and affordability of a family lawyer. Tali is committed to building long-term relationships with clients, and to serving as a source of ongoing assistance and advice. To schedule a free estate planning consultation or to receive Tali's free monthly e-Newsletter, please visit [www.KlapachEstatePlans.com](http://www.KlapachEstatePlans.com) or call (310) 424-3144. Estate Planning for a Lifetime.

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