

Bankruptcy and Child Support

People often find themselves in difficult financial situations. Sometimes this is the result of their own doing and sometimes not. Regardless of how you got there, bankruptcy can be a tool that's used to help you get out of a terrible financial situation. The decision to consider bankruptcy should not be taken lightly and you should be aware of what can and cannot be discharged in bankruptcy.

Child Support in Bankruptcy

Child support obligations are what's called a non-dischargeable debt. This means that [child support obligations are not erased by filing bankruptcy](#). Because these types of debts are to support the health and well being of your child, they must still be paid even during and after bankruptcy proceedings.

In most circumstances, when you file bankruptcy, the court issues a stay. This means creditors can no longer come after you for debt you owe to them. But because child support obligations cannot be discharged in bankruptcy, that debt is also not subject to the stay. So the stay that occurs on [Chapter 7](#) or [Chapter 13](#) does not prevent the court from bringing an action against you for your child support obligations.

However, filing Chapter 13 bankruptcy can help you get caught up on your child support obligations. Filing bankruptcy under Chapter 13 allows you the opportunity to organize your debts and pay them back using a structured payment plan. Child support obligations and any arrears would be included in this plan. But note that in order to discharge Chapter 13 bankruptcy, you must be up to date on all of your child support payments and be able to prove that to the court.

Filing bankruptcy under Chapter 13 can actually reduce the amount you will owe to unsecured creditors like credit card companies. Because your child support arrears are calculated into the total amount of debt that needs organized and restructured and because that debt cannot be discharged, the remaining space you have is reduced. In other words, you will be paying money to your child instead of creditors.

Path to Debt Free

While neither Chapter 7 or Chapter 13 will wipe out your child support obligations, both can provide you a path to reduce your overall debt. By filing bankruptcy and discharging your other debt, more of your income is freed up to pay your child support obligations. For many, this is a positive outcome as debts are removed and children are properly cared for.

The intersection of family law and bankruptcy law is a convoluted one. There are many moving pieces and lots of things can quickly go wrong. That is why you need the seasoned advice of an

experienced attorney. Bankruptcy is usually a decision of last resort and while you don't want to be in this situation, using the right attorney to help you navigate through the complex process is of utmost importance. Contact us today to discuss your bankruptcy options with our skilled and knowledgeable team. We look forward to working with you.

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