

Bankruptcy & Enforcing Child Support Payments

by Levitt & Slafkes, P.C. on November 21, 2013



What happens if you have custody of your children and you learn that your ex-spouse is filing for [Chapter 7 or Chapter 13 bankruptcy](#)? You are probably concerned about the impact the bankruptcy filing will have on your child support payments. Fortunately, the law provides protection for children and provides that child support payments are not dischargeable in bankruptcy.

For most debts, the automatic stay bars any collection activity as soon as the bankruptcy case is filed. However, there are a few exceptions to the stay including actions to modify alimony or child support obligations. This means that if you are pursuing this type of action against your ex-spouse, it is not prohibited by the automatic stay.

Pursuant to [11 U.S.C. §507](#), alimony and child support payments are given a high priority over other debts. A non-custodial parent cannot avoid his or her obligation to support his or her child by filing for bankruptcy protection. In fact, if the full amount of child support is not paid in full as part of the bankruptcy disbursement, the remaining amount must still be paid by the debtor. Even child support payments that are past due are not discharged.

It is also important to note that your ex-spouse's bankruptcy filing can be helpful if you believe he or she was not completely honest with you regarding finances. When an individual files for bankruptcy, he or she must make full financial disclosure of assets, debts, income and expenses.

If you have questions regarding the bankruptcy process and how it could benefit you, contact [Levitt & Slafkes](#) today!

If you are interested in learning how filing a bankruptcy case can benefit you, contact [Levitt & Slafkes, PC](#), at 973-323-2953. You can also reach us by filling out our [online form](#). We represent debtors in Chapter 7, Chapter 13 and Chapter 11 filings. Let us help you get the fresh financial start you need today.

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