

Child Support in a Bankruptcy Case

By: Micheal Koplen

<http://www.chapter-attorney-ny.com>

What happens when a non-custodial parent files a bankruptcy case? Is the obligation to pay child support stopped? While bankruptcy provides a shelter from many debts, bankruptcy law provides protection for debts owed to children and former spouses of debtors. More specifically, child support payments are not eligible to be discharged. The automatic stay prohibits the majority of actions used by creditors against debtors. However, it is important to note that actions to establish paternity or to modify alimony, maintenance, or support are exempted from the automatic stay provision. Thus, the “creditor” does not have to seek relief from the automatic stay in order to pursue these types of relief.

The Bankruptcy Code provides that child support payments cannot be discharged in bankruptcy. In other words, the non-custodial parent cannot get out of their obligation to their child by filing a case. Additionally, pursuant to [11 U.S.C. §507](#), alimony and maintenance payments have a high priority over other debts of the debtor. Finally, if the full child support debt is not paid as part of the disbursement, the child support debt remains the debt of the debtor and must still be paid. Even past due child support payments are not discharged.

If you want to learn more about Chapter 7 or Chapter 13 bankruptcy, call [The Koplen Law Firm](#) to schedule an appointment.

The attorneys at [The Koplen Law Firm](#) provide Rockland County and New York City residents with experienced legal representation in bankruptcy matters. We assist individuals seeking relief from their overwhelming debt in filing Chapter 7 or Chapter 13 bankruptcy. If you are considering filing for bankruptcy protection, or you want to discuss options for dealing with your debt, please contact us at [\(845\) 623-7070](tel:8456237070). In addition to handling all types of bankruptcy cases, our law firm can provide legal assistance with matters involving divorce and family law, personal injury, criminal defense, sexual harassment, and employment discrimination as well.