

CHECKLIST: Debts That Are Not Dischargeable in Bankruptcy

Certain debts are not dischargeable under Section 523 of the Bankruptcy Code. If a debt is “excepted from discharge,” the debtor will still be liable on that debt after bankruptcy. Some “exceptions to discharge” are automatic. Other exceptions to discharge must be determined in an adversary proceeding. An experienced bankruptcy practitioner can help you sort through the issues related to debts that may be excepted from discharge. Use the following checklist to determine which debts you should discuss in detail with your attorney.

Debts that are not dischargeable include the following. Do you owe:

- Debts for certain taxes?
- Debts for money, services, or property obtained using false pretenses, false representation, actual fraud, or false financial statements?
- Debts for purchasing luxury goods and cash advances within sixty days prior to the bankruptcy filing?
- Debts that a debtor fails to list in the bankruptcy schedules?
- Debts arising from fraud while acting in a fiduciary capacity; embezzlement, or larceny?
- Debts for alimony and child support, and other obligations arising out of a divorce or separation?
- Student loans?
- Restitution orders?
- Debts arising from willful and malicious injury by the debtor to another person or another person’s property?
- Debts arising from death or personal injury caused by the debtor’s operation of a motor vehicle while the debtor was intoxicated or under the influence of an illegal substance?