

Bankruptcy Laws Protect Your Child's Identity

Jay S. Fleischman, Esq.

When filing for bankruptcy, one of the documents that must be completed is your statement of monthly income (commonly called [Schedule I](#)). This document not only discusses how much money you make each month, but also speaks to your marital status and the number and ages of your [dependent children](#).



If you're a parent, you're uncomfortable about disclosing the names and ages of your children when filing for bankruptcy. They aren't part of your bankruptcy case, so why tell the world about them? This concern is heightened by parents who are victims of domestic abuse or whose children have been abused by others. Filing for bankruptcy shouldn't put your children at risk - period.

The federal and state governments have become particularly savvy about protecting minors. From amber alerts to special programs designed to keep kids safe nationwide, it's become a focus of lawmakers at all levels of government. This lets parents sleep better at night, and feel safer when their kids are at school or in the playground.

One of the improvements to the bankruptcy laws made in 2005 was found in [Section 112 of the U.S. Bankruptcy Code](#). Section 112 holds that, when you file for bankruptcy, you may be required to provide [information](#) regarding your minor children but may not be required to disclose [the name](#) of such minor.

If for some reason the bankruptcy trustee or judge needs to know the names (which they might in order to verify child support orders or dependents for income tax return purposes), you may be required to disclose the name of such minor child in a nonpublic record that is maintained by the court and made available by the court for examination by certain people associated with your bankruptcy case.

There's no guarantee that bad people won't slip past the gatekeepers in any part of life, but the law tries to minimize the chances of trouble.

At the very least, you never need to worry that your child's safety and identity are at risk when you file for bankruptcy.

Photo courtesy of [shaggy359](#).

Jay S. Fleischman is a [New York bankruptcy attorney](#) and Managing Partner of Shaev & Fleischman, LLP. Jay is also the author of [The Consumer's Guide To Bankruptcy: The Truth About Ending Your Bill Problems And Getting Back The Good Credit You Deserve](#).

