

Is it Possible to Discharge My Student Loans in Arizona?

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The short answer is *yes*, there is a way to discharge your student loans. However, the long and explicative answer is more complicated and less encouraging.

Student loans are deemed a non-dischargeable form of debt, *unless* you can prove undue hardship. This basically means that you have to prove that you have already done everything in your power to pay off your student loans, as well as showing evidence that continuing to pay off your loans will leave you destitute.

How to Determine if Your Student Loans Can be Discharged

When determining whether or not a student loan should be discharged on a claim of undue hardship, bankruptcy courts rely on the [Brunner Test](#). This test requires that the debtor prove three things:

- 1) That, based on current income and expenses, continuing to pay off your student loans will leave you unable to maintain a minimal standard of living for you and your dependents. This would be true if you were unable to pay off a mortgage, buy food, or pay for critical medical treatment.
- 2) You have suffered additional circumstances, such as a physical disability, which will most likely prevent you from increasing your earnings in the foreseeable future.
- 3) You have made a “good faith effort” to pay back your student loans. This doesn’t just include a good payment record, but requires effort to increase your income by going back to school or searching for a better paying job.

Seeking Experienced Help

Unfortunately, it is difficult for the majority of people that have student loan debt to prove undue hardship. Often times, the bankruptcy judge handling the case can make a significant difference. If you are unable to prove undue hardship, and have dischargeable debt (such as medical or credit card debt) along with student loan debt, filing for bankruptcy may be a good option for you.

Benjamin Skinner is a bankruptcy and real estate attorney and senior associate at JacksonWhite. He focuses his practice on bankruptcy law, assisting individuals in financial distress. Benjamin also practices in the areas of residential and commercial real estate law. He has been practicing for over ten years and has handled thousands of bankruptcy and real estate cases. He is a member of the State Bar of Arizona and the Maricopa County Bar Association. Benjamin is a member of the American Bankruptcy Institute (ABI) and the National Association of Consumer Bankruptcy Attorneys (NACBA). To read more about what former clients are saying about hiring Mr. Skinner or to set up a free consultation, please visit <http://www.jacksonwhitelaw.com/arizona-bankruptcy/>.

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