

Ex-husband charged on credit card and is not paying. Is it bankruptcy for me?

Ex-husband kept one credit card, I kept another. Both of us signed onto both cards. He charged \$30,000 on "his" card and is not making payments. That credit card company is coming after me. Am I responsible for his charges on that card? What can I do? Do I need to file bankruptcy to protect myself?

Let's have a look at that situation and see how it shapes up for you. You didn't say if you had a marital settlement agreement that said he would be responsible for charges on that credit card, so we'll look at it both ways.

No marital settlement agreement for husband to be responsible for charges on that credit card

The credit card contract is between the credit card company and both you and your ex-husband. Nothing has changed that. Therefore you are liable (as is your ex-husband) for those charges.

Marital settlement agreement for husband to be responsible for charges on that credit card

Same as above except that ...

- You could sue him for breaching the marital settlement agreement. Whether you could collect from him or not is another thing.
- The creditor might be less likely to sue you if notified of the terms of the marital settlement agreement, since they often don't want to work very hard or spend much money to collect their money.
- Some attorneys have experienced that judges in a creditor lawsuit tend to follow the family court order and hold "you" not liable. If it seems that this is not certain, you're right. Some issues in the law are not certain and this is one of them.

Would bankruptcy remove that debt for me? Yes, assuming that bankruptcy would be a good thing for you considering your entire financial situation. You should consult with an experienced bankruptcy attorney in your area.

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