

## Am I liable for my spouse's debts in California?

I'm often asked if someone is liable for their husband's (or wife's) debts. The short answer is "No". Let's explore the rest of the answer.



- If one spouse incurs a debt and the other spouse didn't "sign on" to that debt, then the "signing" spouse is liable for that debt and the other spouse isn't.
- But all "community property" is available to pay the debts of either spouse. Without other arrangements, the simple definition of community property is everything either spouse earns during the marriage and everything purchased with those earnings. For many married couples, that's pretty much everything they own.
- Community property does not include anything either spouse fully owned before they were married, or anything inherited from someone after they were married. That property remains a spouse's separate property and is not available to pay the other spouse's debts.

This is a very simplified explanation. If you're married and have considerable debt and are considering filing bankruptcy to get rid of it, do yourself a big favor and consult with an experienced bankruptcy in your area. That's the way to find out if a separate or joint filing would be best, and also what the result would likely be if you don't file bankruptcy.

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