

Child Support and Bankruptcy

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Threats of, “I’ll file for bankruptcy before you see any child support,” are made regularly to the clients we represent at JacksonWhite. If your spouse, ex-spouse or significant other is trying to scare you with a threat like this, do not worry. The threat is not valid.

The Bankruptcy Court sees both child support and alimony as a type of debt referred to as “Domestic Support Obligation” or “DSO”. If the debt owed is child support or spousal maintenance (alimony) it will not be discharged in a Chapter 7 or Chapter 13 bankruptcy proceeding. In fact, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 takes it a step further. The Act states that back child support and alimony must be paid before any other creditor.

If you receive support from a person contemplating bankruptcy, it is important that you don’t sit back and not take action either. Filing a “nondischargeability complaint” will make sure your interests are protected. A competent family law attorney can assist you while protecting your interests against a parent or ex-spouse threatening bankruptcy.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit www.jacksonwhitelaw.com/arizona-family-law.

Founded in 1983, JacksonWhite P.C. offers a full -range of services to assist individuals, families and businesses with their legal needs. Since its inception, the Mesa firm has grown steadily to include 22 highly experienced attorneys and over 40 paralegals, legal assistants and staff. At this size, the firm is large enough to offer the efficiency and technical expertise of larger firms, yet small enough to provide clients with individualized, personalized attention. JacksonWhite has multiple offices around the state of Arizona including a Mesa, Casa Grande and Peoria locations. For more information on a specific attorney or area of practice, please visit www.jacksonwhitelaw.com, or www.jacksonwhitelaw.com/arizona-family-law.
