

## Bankruptcy, Fraud & Nondischargeable Debts

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The end goal of filing bankruptcy is to obtain a discharge order from the bankruptcy court. The discharge order is the document that has the effect of barring your creditors from ever again trying to collect on your debts. Often I get asked the question if there are any debts that are not discharged in the bankruptcy. While there are many types of debt that could potentially not be discharged, I will focus on a few found in 11 U.S.C. § 523(a). Specifically, the following debts are typically not discharged in a bankruptcy case, meaning that you would need to continue paying on them:

- **Taxes**: most taxes are not discharged in your bankruptcy case. However, some may be discharged. It is a complicated analysis that you should discuss with your attorney if you owe significant back taxes.
- **Fraud**: if you obtained money, services, or property through false representations or outright fraud, there is a chance that the creditor may come into the bankruptcy court and ask that their particular debt not be discharged.
- **Credit Card Charge Prior to Filing Bankruptcy**: if you charged “luxury goods” on your credit card totaling over \$550 within the 90 days prior to the filing of your bankruptcy case, the creditor may ask that those particular charges be deemed non-dischargeable. If you took cash advances of more than \$825 from your credit card within 70 days prior to your bankruptcy filing, the creditor may ask the court to deem those advances non-dischargeable.
- **Domestic Support Obligation**: this area is essentially for child support, but may be applicable to other types of family support as well.

There are numerous other types of debt that will not be discharged in your bankruptcy. In determining if you have non-dischargeable debts it is important to consult with an attorney prior to filing for bankruptcy.