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Bankruptcy And Divorce: Who Is Responsible For The Credit Cards?

After representing clients and filing bankruptcies for a good while, any Orlando bankruptcy lawyer, can share with you a sad truth: Filing bankruptcy and filing for divorce often go hand in hand. Bankruptcy lawyers help many individuals going through a divorce deal with their financial difficulties.

In this article, I would like to discuss how filing bankruptcy will effect the credit card debt each spouse owes before and after filing for divorce. Subsequent articles will be written to cover other aspects of divorce and bankruptcy, as I have found in my years of representing clients filing bankruptcy, the two subjects are too often tangled.

The most important thing to remember when discussing divorce and credit card debt, is that the only ones party to your divorce are you and your spouse. That is, a third party, like your and your spouse's creditors, are NOT part of your divorce proceedings and consequently, are not obligated to abide by your marital settlement agreement.

While you rely on a marital settlement agreement when you split up, your and your spouse's creditors do not care about this agreement. When you separate, you and your spouse decide how to divide your debts and commemorate this with your martial settlement agreement. You and your spouse are bound by this agreement, but your creditors are not. Your creditors put their trust in the credit card agreement, car loan, mortgage, etc., that was signed when they issued credit. How you decided to divide your liabilities in the martial settlement agreement does not concern them, and the law supports this.

You see, in the end, no matter how you and your ex determine who is taking over which debt, if you each signed the credit agreement, you will each continue to be responsible for the debt.

Hence, when one spouse discharges their liability for the debts by filing bankruptcy, the other non-filing spouse will continue to be responsible for it. In order to remove that responsibility, the non-filing spouse can attempt to settle the debt with the creditors in question, or end up filing bankruptcy themselves.

The legal issues surrounding Bankruptcy and Divorce are many and complicated. In the coming weeks and months I hope to touch on some of the more common issues my clients face when dealing with these two legal topics on my [blog](#).

In the meantime, feel free to check out my [FREE E-COURSE](#) which offers an Orlando bankruptcy lawyer's advice on some common issues confronting people who are considering filing bankruptcy. This article, [Bankruptcy And Divorce: Who Is Responsible For The Credit Cards?](#) has free reprint rights.