



The Family Lawyer's Guide to Bankruptcy: Forms, Tips, and Strategies

Shayna M. Steinfeld, Bruce R. Steinfeld

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A unique resource written especially for the practicing family lawyer, this book presents an overview of bankruptcy law as it pertains to divorcing spouses. This third edition updates developing caselaw under the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) legislation which has made filing for bankruptcy more difficult and eliminates some of the benefits that used to be available. However, the need for family lawyers to know about this is pressing: a quarter of all bankruptcy cases are caused by divorce, often due to the costs of maintaining two households on a single salary, uncovered medical expenses, failing businesses, and job loss.

Written by a bankruptcy lawyer and a family lawyer to seamlessly incorporate relevant information from both legal areas, the book focuses first on the discharge exception provisions applicable in the divorce arena, with an emphasis on the two most common exceptions: § 523(a)(5), which provides for the automatic exception of "support" debts from bankruptcy cases, and § 523(a)(15), which provides an automatic exception to discharge for non-support, divorce-related debts from Chapter 7, 11, and 12 cases.

The second part of *The Family Lawyer's Guide to Bankruptcy* presents a general overview of the bankruptcy system and highlights the ramifications of bankruptcy in a divorce situation. Among the aspects defined and explained include the types of bankruptcy cases; case commencement; automatic stay; property of the estate; lien avoidance; priority of alimony, maintenance, and support debts; avoidability of transfers between married spouses; executory contracts; dismissal; closing the case; and revocation of discharge. Appendices provide useful materials for the practicing family lawyer, including guidelines for pre-bankruptcy planning, a definition of bankruptcy terms, tax and official filing forms, a bankruptcy court listing, and state exemption statutes.

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