



Spousal Liability for Debts

Q.) Do I have to pay my spouse's bills?

A.) In most cases, the answer to that question is "no". Under Minnesota law, one spouse is usually not liable to a creditor for the debts of the other spouse. This can be very comforting to know if one spouse has trouble staying within a budget. However, the law lists two types of debts that you would be responsible for, even if it was your spouse's obligation.

Q.) What are the two exceptions?

A.) First, you would be liable for household articles and supplies bought for the family and used by the family. But, you are only liable if you are living with your spouse when the items are purchased. The second exception makes you liable for any necessary medical services your spouse receives. Again, this section only applies if you are living together. Remember, if you and your spouse live in separate households, you are not responsible for these debts.

Q.) Are there any other ways that I could be responsible for my spouse's debts?

A.) Yes, you could be liable if you signed a contract or other agreement accepting financial liability. As an example, both partners generally have to sign a note to get a mortgage on a jointly owned home. If you sign a credit card agreement along with your spouse, you would be responsible for repayment. You accept responsibility when you sign a contract.

Q.) Is there anything I can do if I signed a credit card agreement with my spouse but now want to end my liability?

A.) Yes, the law also says that either spouse can close a credit card account or other unsecured line of consumer credit. You must give the creditor written notice to close the account. Of course, you would still be liable for any charges made before the account was closed. You cannot end your liability for a secured debt, such as a mortgage, using this law.

Q.) What should I do if a creditor tells me I am responsible for my spouse's debts?

A.) The best thing you can do is know your legal rights. Most creditors probably think that you are liable for your spouse's debts just because you are married. This spousal liability law only applies to couples living in Minnesota. Many credit card companies do business from other states and may not be familiar with our state law. Even if they do know about the law, some creditors will try to get you to make payments if your spouse stops paying. Tell the creditor about Minnesota law and demand proof from them that you are liable for the debt. If you are not living with your spouse, the only way you could be liable for any of your spouse's debts is if you signed a contract. The creditor would have to give you a copy of your signature on the agreement to show that you are liable.

Q.) What should I do if the creditor sues me and I am not responsible for the debt?

A.) If you are sued, it is very important that you respond. If you ignore the legal papers, the creditor could get a judgment (court order) against you. If that happens, you may have to pay even if it is not your debt. It is very important that you give the creditor a written Answer to the lawsuit, especially if you are not liable for the bill. An Answer is a legal document that tells the creditor why you believe you are not liable. In these types of cases you would only have twenty (20) days to give the creditor your Answer. You should contact an attorney or your local legal services office as soon as you get the papers.

Q.) What should I do if the creditor reports the debt to a credit bureau or credit reporting agency?

A.) There is a federal law, the Fair Credit Reporting Act, that offers some protections. You can tell the credit bureau that the information in your credit report is wrong. They then have to reinvestigate, usually within thirty (30) days. Any information that is wrong, or that cannot be verified by the creditor, must be removed from your report. You can also make the credit bureau tell everyone who has received your report that incorrect information has been removed.

Q.) Is there anything I should know about when I challenge my credit report?

A.) Yes, if the creditor does not know about Minnesota's law, they may tell the credit bureau that the information they gave the bureau is correct. It would be a good idea to contact the creditor first and tell them why you feel you are not liable. Ask them to provide you with a copy of the credit card agreement to show that you signed the contract. You can also ask them to prove that the debt was for necessary medical services or household supplies used by the family if you still live with your spouse. If the creditor acknowledges that you are not responsible for the debt, the bureau would have to remove the information from your report. In addition, you have a right to include a statement (100 words or less) explaining why you disagree with your report if the bureau does not remove the debt from your report after they reinvestigate.

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