



## Marriage and Debts in Minnesota

This fact sheet has information about being married and debts. If you have shared debts with someone but are not married, see our fact sheet [Unmarried Couples, Debt and Property](#).

### **My spouse owes money from before we got married. Do I have to pay those debts?**

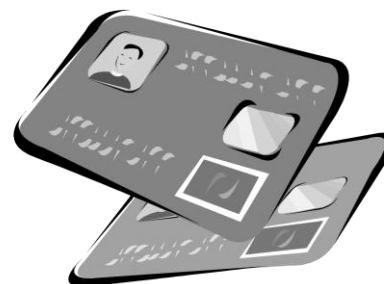
**No.** You are not responsible for debts your spouse took on without you before you got married. This is true even if the debt has to do with something you use - like if your spouse owns the house you now live in. All the debts your spouse brought into the marriage are theirs alone.

The same is true for you. The debts you had before the marriage are your responsibility and your spouse can't be forced to pay them.

### **Who is responsible for joint debts?**

If you and your spouse take out a loan together, you are both responsible for paying it back. It doesn't matter who uses the money or gets to keep the item bought with the loan. If both names are on the debt, both of you are responsible.

If you and your spouse take out a credit card together, then you are both responsible for **all** of the purchases made with it. You are responsible for a joint card even if you disagree with or don't know about things bought with the card.



But an "authorized user" is different. If you have a credit card and make someone an "authorized user," then you are responsible for the debt, not the "authorized user."

If you get divorced, you are both still responsible for the loan even if the things are kept by only one of you.

If your name is on a debt you are responsible. If you have a shared debt with someone and they stop paying, you need to keep paying the whole thing to protect your credit. You can try to get this money back from an ex-spouse if your final divorce papers from the court say that your spouse has some responsibility for the debt. Keep proof that you made the full payments.

If there is nothing about the debt in the divorce decree you can try getting some of the money back in conciliation court, but it can be hard to do. See our fact sheet, [Conciliation Court](#).

## **What debts that are only in one spouse's name are we both responsible for?**

There are some debts that happen when you are married that you are both responsible for. This is true even if they are in your spouse's name only or even if you didn't know about them.

- **Family and Household Things**

You are both responsible for debts for necessary household things that are used by the family. For example, if your spouse buys a stove that your family uses, you are both responsible for paying that debt.

- **Medical Bills**

If your spouse has medical debt in their name you are usually not responsible for that debt unless you agreed to pay it. But if you get divorced a court could decide that you should take over all or part of that debt. Also, if your spouse dies before paying off a medical debt, the creditor can try to get money from your spouse's estate.

- **Other Bills**

You are both responsible for other debts in your spouse's name only if you sign a contract agreeing to pay them. This is sometimes called co-signing. If you don't want to be responsible, don't put your name on a debt.

There are times when you don't have to pay for debts that don't have your name on them. For example, if your spouse gets a loan for a motorcycle in their name only, you are not usually responsible unless you want to be given ownership of the motorcycle.



## **Am I still responsible for medical and living expenses if we are separated?**

If you are separated or no longer live together, you may not be responsible for your spouse's medical or household expenses that come up after you separate.

## **How can I show that we are separated?**

If you have one, you can show a separation order from the court. Otherwise, you can use leases or utility bills to show that you and your spouse have different homes.

## **What happens to our joint debts if we get a divorce?**

When you get divorced, the court issues a court order called a "divorce decree." The divorce decree includes the judge's decision about debts. The judge decides who is responsible for the debts. For example, you may have to pay all or part of debts that are in your spouse's name. Or the judge could decide the debts should be paid equally by both of you.

**But remember:** the divorce decree only affects the two of you, not the creditor. If your name is on a debt, the creditor can sue you even if the divorce decree says your ex-spouse has to pay the debt.

If you end up paying a debt the judge said your spouse was responsible for, go back to the court and ask them to enforce the decree. Show the court a copy of your divorce decree and proof that you paid the debt. Receipts or cancelled checks are good proof.

### **What if my spouse took out debts in my name and I didn't know about it?**

Minnesota's coerced debt law can help if your spouse took out debts in your name (like a credit card) and you didn't know about it. OR if your spouse forced you or threatened you into taking out the debt. This is called economic abuse. You can ask a court to excuse you from paying it. You must be a victim of domestic abuse, harassment, or sex or labor trafficking to be able to ask for this relief.

You must let the creditor know in writing and give them documents that explain the situation and show why you are not responsible. These might be things like:

- a police report
- a fraud/identity theft report
- your divorce decree, or
- a sworn written statement from you to the creditor

You can ask the court to excuse you from the debt or make your spouse responsible for it. You can also ask the court to keep the file confidential if you need that to stay safe from future abuse.

This law doesn't apply to secured debt. Secured debt is debt with "collateral." For example, a car that can be repossessed or a house that can be foreclosed on if you don't make payments. It also only applies to new debts that happen on or after January 1, 2024. You can't use it for old debts before then.

### **Divorce and Real Estate**

The judge also decides what happens to "real property" you or your spouse bought during your marriage. Real property is land and buildings, like a house. You both have a right to at least part of any real property purchased during the marriage, **even if it is only in one name**. If you want to keep the property the judge might make you responsible for the mortgage, taxes, and repairs for the home.



Before you sign divorce papers, make sure you understand what money is owed on any real property that is in your spouse's name only. You and your spouse can agree about who keeps all rights to the property in the divorce. If you don't agree, the judge makes the final decision.

If you don't want to be responsible for the money owed on the property, you might not want to claim your share of the property. Tell the judge. You and your spouse can agree that they will keep all rights to the property in the divorce. If you don't agree, the judge makes the final decision.

## What if a creditor says I have to pay my spouse's debts?

If a creditor contacts you saying you have to pay a bill that is in your spouse's name, ask what the debt is. If it is not a household debt from the marriage or a medical debt that you agreed to pay, you may not have to pay it. The best way to protect yourself from this is to be sure to list all debts in your divorce papers. Make sure the final divorce decree lists them all and says who is responsible for them.

**Watch Out:** if you make payment on a bill that is not yours at the time, you might be held responsible for the whole debt later on.

Different states have different laws. A bill collector in another state may not know Minnesota law. Ask the creditor or bill collector to send proof that you are responsible for the debt. Proof could be a bill showing the debt is for a necessary household item. Proof could also be a document signed by you agreeing to pay the debt.

If a lawsuit is brought against you, make sure to "Answer" the court papers. See our fact sheet [What to Do If You Are Sued](#).

Ignoring papers could lead to a court order saying you have to pay the debt. Tell the court about the Minnesota law. Explain that your spouse's debts are not related household expenses or that you were not living with your spouse when the debts happened.

You can [create an "Answer" online](#) at [www.lawhelpmn.org/forms](http://www.lawhelpmn.org/forms)

- Find "Debts, Fees, Deposits"
- Click on "Answer a "Summons and Complaint - Debt Collector Lawsuits"

## What if the debts are from before I moved to Minnesota?



If you lived in another state, Minnesota law does not decide who is responsible for debts that happened somewhere else. Look at the laws of the state you moved from to find out if you are responsible for any of your spouse's debts that happened when you lived somewhere else. You can be forced to pay a debt here in Minnesota if a court in another state rules that you both owe on the out-of-state bill.

Keep complete financial records. Keep track of what you own and what you owe and don't owe. Keeping good records can help you keep your debt under control, and it can also help you show creditors what debts you are not personally responsible for.

**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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