

**APPENDIX I: CREDITOR PROTECTION FOR 529 SAVINGS ACCOUNTS**

<u>State</u>	<u>Statutory Exemption</u>	<u>Limited to State's Own Program</u>	<u>Statute Specifies Protection from Creditors of Account</u>			<u>Exemption Inapplicable</u>		<u>Other Limitations</u>
			<u>Donor</u>	<u>Owner</u>	<u>Beneficiary</u>	<u>Child Support</u>	<u>Divorce</u>	
Alaska	Alaska Stat. § 14.40.802	Y		√	√	√		
Arkansas	A.C.A. § 6-84- 110(b)(2)	Y		√	√			
Colorado	C.R.S. 23-3.1-307.4	Y	√	√	√			
Florida	Fla. Stat. § 222.22	N	√	√	√			
Idaho	Idaho Code § 11- 604A	Y				√	√	
Illinois	15 ILCS 505/16.5 735 ILCS 5/12- 1001(j)	Y	√	√	√			Exemption limited to amount of gift tax annual exclusion for contributions during 365 day period prior to filing bankruptcy; same limit applies to contributions made 366-730 days prior to filing bankruptcy.

<u>State</u>	<u>Statutory Exemption</u>	<u>Limited to State's Own Program</u>	<u>Statute Specifies Protection from Creditors of Account</u>			<u>Exemption Inapplicable</u>		<u>Other Limitations</u>
			<u>Donor</u>	<u>Owner</u>	<u>Beneficiary</u>	<u>Child Support</u>	<u>Divorce</u>	
Kansas	K.S.A. § 60-2308(f)(2)-(4)	Y		√	√			Beneficiary must be lineal descendant of account owner. No protection for contributions made within one year before bankruptcy petition or judgment for claims. Contributions made between one year and two years prior to bankruptcy petition or judgment for claims only protected up to \$5,000 per account owner.
Kentucky	Ky. Rev. Stat. § 164A.350	Y		√	√			
Louisiana	La.R.S. 17-3096G	Y			√			
Maine	Me. Rev. Stat. Ann. title 20-A, § 11478	Y		√	√			
Maryland	Md. Education Code Ann. § 18-1913	Y						
Nebraska	R.R.S. Neb. § 85-1809	Y						
Nevada	N.R.S. § 21.090	Y						Exemption is inapplicable if “the money will not be used by any beneficiary to attend a college or university.”
New Jersey	N.J. Stat. § 18A:71B-41.1	Y	√		√			Provides exemption for moneys paid out of an account for higher education expenses.

<u>State</u>	<u>Statutory Exemption</u>	<u>Limited to State's Own Program</u>	<u>Statute Specifies Protection from Creditors of Account</u>			<u>Exemption Inapplicable</u>		
			<u>Donor</u>	<u>Owner</u>	<u>Beneficiary</u>	<u>Child Support</u>	<u>Divorce</u>	<u>Other Limitations</u>
New York	NY CLS CPLR § 5205	Y						Exemption is very limited. See the statute.
North Dakota	N.D. Admin. Code 12.5-02-01-06	Y		✓	✓			
Ohio	ORC Ann. 3334.15(A)	Y						
Oklahoma	31 Okl. St. § 1, A, 26	Y						
Oregon	ORS § 348.863(2)	Y						
Pennsylvania	24 P.S. § 6901.309.2	Y		✓	✓			
Rhode Island	R.I. Gen. Laws § 9-26-4(15)	Y				✓	✓	
South Carolina	S.C. Code Ann. § 59-2-140	Y						
South Dakota	S.D. Codified Laws § 13-63-20	Y	✓	✓	✓			No exemption for funds contributed by account owner or contributor within one year of filing bankruptcy petition.
Tennessee	Tenn. Code Ann. § 49-7-822	N						
Texas	Tex. Prop. Code § 42.0022	N						
Virginia	Va. Code Ann. § 23-38.81	Y	✓	✓	✓			

<u>State</u>	<u>Statutory Exemption</u>	<u>Limited to State's Own Program</u>	<u>Statute Specifies Protection from Creditors of</u>			<u>Exemption Inapplicable</u>		<u>Other Limitations</u>
			<u>Account</u>	<u>Donor</u>	<u>Owner</u>	<u>Beneficiary</u>	<u>Child Support</u>	
West Virginia	W.Va. Code § 18-30-7(i)	Y		✓		✓		
Wisconsin	Wis. Stat. § 14.64	Y				✓		

**Circular 230 Disclaimer:** *To comply with certain Treasury regulations, we inform you that any U.S. federal tax advice contained in this article was not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any U.S. federal tax penalties that may be imposed on such person.*

