

50 State plus D.C. Creditor Exemption Statutes for IRAs, Non-ERISA 403(b) and Roth Variants

Chart will note "no" if there are significant limitations on protection, such as only to extent "reasonably necessary" for support, or a dollar amount.

Chart will note "yes" despite minor limitations, such as transfers w/in 90 days of bankruptcy, nondeductible IRA, child/alimony/fraudulent transfer.

Note: in some states/circuits, SEP, SIMPLE or "deemed" IRAs may receive lesser or no protection due to ERISA preemption.

State	State Statute	Is Protection Unlimited?			Loopholes, Exceptions or Unique Features in Statute (e.g. are inherited IRAs protected, SEP/SIMPLEs?)
		IRA	Roth IRA	403(b)	
Alabama	Ala. Code §19-3B-508	Yes	Yes	maybe	Updated in 2012 to include Roth IRAs. Protects 403(b) annuities, but 403(b) accounts? In Re Navarre - no protection for inherited IRAs (spouse unclear)
Alaska	Alaska Stat. §09.38.017	Yes	Yes	Yes	Does not apply to amounts contributed within 120 days of bankruptcy filing. Clearly protects inherited retirement accounts. Protects intervivos transfers IRAs
Arizona	Ariz. Rev. Stat. 33-1126(B)	Yes	Yes	Yes	Does not apply to amounts contributed within 120 days before bankruptcy filing. Statute clearly protects inherited IRAs as well. Child support exception in (D)
Arkansas	Ark. Code Ann. §16-66-220	Yes	Yes	Yes	Traditional IRA/403b contributions in excess of deductible limits, nondeductible IRAs, not protected.
California	Cal. Civ. Proc. Code § 704.115, 703.140	No	No	No	Only to the extent necessary to provide for the support of debtor, spouse and dependents. Inherited IRAs no better, see <i>In re Greenfield</i> . <i>In re Trawick and Berry</i>
Colorado	Co. Rev. Stat. 13-54-102(s)	Yes	Yes	probably	Child support, felonious killing exceptions - 403bs not mentioned specifically, but are probably protected
Connecticut	Conn. Gen. Stat. §52-321a	Yes	Yes	Yes	Includes education ESAs, MSAs. Exceptions for costs/debts due crime victims, incarceration costs
Delaware	10 Del. Code §4915	Yes	Yes	Yes	Includes add'l protection for 60 day rollovers. Child support, state tax exception.
Wash. DC	D.C. Code § 15-501(a)(9)	Yes	Yes	Yes	Applies to residents or those who "earn livelihood" DC. Exceptions for D.C. taxes, nondeductible contribution
Florida	Fla. Stat. Ann. §222.21	Yes	Yes	Yes	New statute broadly includes beneficiaries, inherited IRAs (2)(c), substantially compliant plans. Fraudulent transfers may be excepted - <i>In re Asunmaa</i>

Georgia	Ga. Code Ann. § 44-13-100(a)(2) and (2.1)	Yes*	No	No	Georgia's statute is more complicated. Statute divides between rights to periodic payments (limited to "reasonably necessary") and interests in corpus not yet distributed (not limited). Roth IRA not mentioned in statute, but protected if "necessary" by <i>In re Bramlette</i> . In Bankr, state statute exempts IRA - <i>In re McFarland</i>
Hawaii	Hawaii Rev. Stat. § 651-124	No*	No*	No*	The exemption might be unlimited, but does not apply to contributions made to a plan, IRA/403(b) within the three years before the date a civil action is initiated against the debtor or filing of bankruptcy.
Idaho	Idaho Code §11-604A, 55-1101, 11-607	Yes	Yes	Yes	Inherited IRAs protected per <i>In re McClelland</i> . No tracing of protection once funds outside - <i>In re Carlson</i>
Illinois	735 I.L.C.S. 5/12-1006	Yes	Yes	Yes	Even plans "intended in good faith to qualify" protected. Inherited plans not protected - <i>In re Taylor, Branit v. Branit, 2015 IL App (1st) 141297 (2015)</i>
Indiana	Ind. Code Ann. § 55-10-2(c)(6)	Yes	Yes	Yes	Unclear if nondeductible IRAs or back-door Roth IRAs protected. Inherited IRAs unprotected: <i>In re Klipsch</i>
Iowa	Iowa Code § 627.8(f)	Yes	Yes	No	Requires residency. Unclear if nondeductible IRAs protected, or contributions by spouse. Non-ERISA 403(b) not in (f), but may be protected in (e).
Kansas	Kan. Stat. Ann. § 60-2308(b)	Yes	Yes	Yes	May <i>appear</i> to protect inherited retirement plans ("shall be exempt from any and all claims of creditors of the beneficiary or participant"), but see <i>Commerce Bank v. Bolander</i> case holding contrary and recent decision <i>In re Mosby</i> , 532 B.R. 167 (2015). No tracing protection once out of IRA/plan - <i>In re Carbaugh</i>
Kentucky	Ky Rev. Stat. § 427.150(2)	Yes	Yes	Yes	Contributions within 120 days of filing bankruptcy excepted, alimony/child support
Louisiana	La. Rev. Stat. Ann. §§ 20:33(1), 13:3881(D)	Yes	Yes	Yes	Contributions within one year of bankruptcy filing, alimony/child support. Inherited IRA not protected under LA law after <i>Clark - In re Everett</i> , 520 B.R. 498 (E.D. La. 2014)
Maine	Me. Rev. Stat. Ann. Tit. 14, § 4422(13)(E)	No	No	No	\$15,000 or only to the extent reasonably necessary for the support of the debtor/dependents
Maryland	Md. Code Ann. Cts. & Jud. Proc. § 11-504(h)(1)	Yes	Yes	Yes	Exception for state Dept of Health and Mental Hygiene. Uncertain protection for nondeductible IRAs. 60-day rollovers protected while outside per <i>In re Gibson</i> .

Massachusetts	Mass. Gen. L. Ch. 235 § 34A; 236 § 28	Yes	Yes	Yes	Exceptions for spousal/child maintenance support, crime victims, additional exceptions for amounts contributed in excess of 7% of income within 5 years of bankruptcy/judgment.
Michigan	MCLS § 600.5451(1), § 600.6023(1)(j-k)	Yes	Yes	No	Exceptions for contribution within 120 days of filing for bankruptcy. Strangely protects ERISA 403(b)s, which does not need state protection, but omits non-ERISA 403(b)s which do. Nondeductible IRAs not protected. SEP-IRAs unprotected - <i>Lampkins v. Golden</i> .
Minnesota	Minn. Stat. Ann. § 550.37(24)	No	No	No	Protection limited to \$69,000 (adjusts for inflation), or amounts "reasonably necessary" for support of debtor/spouse/dependents.
Mississippi	Miss. Code Ann. §85-3-1(e)	Yes	No*	Yes	Statute references IRC 408 (or corresponding provisions of successor law), unclear whether 408A Roth qualifies
Missouri	Mo. Ann. Stat. § 513.430.1(10)(e-f)	Yes	Yes	Yes	Exceptions for fraudulent conveyance. Very clear protection for inherited accounts
Montana	Mont. Code Ann. §§ 25-13-608(1)(e), 31-2-106	Yes	Yes	No	Exceptions for spousal maintenance/child support. Non-deductible contributions to traditional IRAs may not be protected. Inherited IRAs clearly not protected per Montana Sup Ct decision <i>In re Golz</i> , 2015 MT 318.
Nebraska	Neb. Rev. Stat. § 25-1563.01	No	No	No	Must be reasonably necessary for support of debtor/dependents
Nevada	Nev. Rev. Stat. § 21.090(r)	No	No	No	The exemption is limited to \$500,000 for Roth or traditional IRAs, but non-ERISA 403bs may not get that.
New Hampshire	N.H. Code Ann. § 511:2, XIX	Yes	Yes	Yes	403b annuities mentioned, but not 403b accounts, though statute is very broadly worded. Exceptions for Pre-1999 debts, fraudulent transfers
New Jersey	N.J. Stat. Ann. § 25:2-1(b)	Yes	Yes	Yes	Exception for tortious killing, child/spousal support, fraudulent transfers. Exclusion granted - <i>In re Yuhas</i> . Inherited IRA protected - <i>In re Andelino</i>
New Mexico	N.M. Stat. Ann. §§ 42-10-1, 42-10-2	Yes	Yes	Yes	First statute for married, head of household. Second for single. Case law exception for fraudulent transfers.
New York	N.Y. CLS CPLR § 5205(c)	Yes	Yes	Yes	Exceptions for contributions within 90 days, fraudulent conveyance, non-ERISA 403bs not mentioned specifically but probably protected.
North Carolina	N.C. Gen. Stat. § 1C-1601(a)(9)	Yes	Yes	Yes	Any individual retirement plan "treated in the same manner" as IRA, so 403b, 457 should be protected. Inherited accounts have clear protection as well.

North Dakota	N.D. Cent. Code § 28-22-03.1(3)	No	No	No	Must be resident. One Year "curing period", must be tax qualified accounts, including Roth, traditional IRA and 403b. Limited to \$100,000 per account up to \$200,000, or more if "reasonably necessary" for support of debtor/dependents
Ohio	Ohio Rev. Code Ann. § 2329.66(A)(10)(c)	Yes	Yes	No	SEP IRAs may be denied protection by case law exception, non-ERISA 403bs limited to "reasonably necessary", Inherited IRAs clearly protected, along with those disqualified through "good faith error", but not inherited 403(b)s. Alimony/child support exceptions apply but are, strangely, inapplicable to inherited IRA. Nondeductible IRA protection unclear.
Oklahoma	31 Okl. St. § 1(A)(20)	Yes	Yes	Yes	Exceptions for fraudulent transfers. Inherited IRAs not protected - <i>In re Sims</i> .
Oregon	Or. Rev. Stat. §18.358	Yes	Yes	Yes	Protection specifically includes spouse as beneficiary. Exceptions for fraudulent transfer, excess contributions over IRS permitted limits, child/alimony
Pennsylvania	42 Pa. C.S. §§ 8124(b)(1)(vii), (viii), (ix)	Yes	Yes	Yes	Protected, but one year "curing period" for contributions within 1 year (not including rollovers) and debtor contributions in excess of \$15,000 in a one-year period. Fraudulent transfer exception
Rhode Island	R.I. Gen. Laws § 9-26-4(11), (12)	Yes	Yes	No	Spousal/child support exceptions, ERISA accounts protection but unclear whether non-ERISA 403b
South Carolina	S.C. Code Ann. § 15-41-30(13)	Yes	Yes	No	Requires domicile. Non-ERISA 403bs not mentioned, but probably limited to amounts "reasonably necessary". 2012 amendment increased IRA protection, presumably including inherited IRAs : "The exemption ... shall be available whether such individual has an interest in the retirement plan as a participant, beneficiary,...or otherwise." Clear enough?
South Dakota	S.D. Laws Ann. 43-45-16 and 43-45-17	No	No	No	Exempts broad category of "retirement benefits", including Roth, IRAs and 403bs, but only up to \$1,000,000, with court discretion to limit per 43-45-18. State/local tax exception
Tennessee	Tenn. Code Ann. § 26-2-105	Yes	Yes	Yes	Interesting prohibition against creditor subpoenaing documents related to plan. Must be tax qualified, no residency required. State is exception creditor.
Texas	Tex. Prop. Code § 42.0021	Yes	Yes	Yes	Specifically includes inherited IRAs as well, and even has specific protection for 60 days for 60 day rollovers.

Utah	Utah Code Ann. §78B-5-505, -508	Yes	Yes	Yes	One Year "curing" denying protection for contributions within one year. Exceptions for spouse/child support, state/local taxes, employee as creditor for 1 mo. wages
Vermont	12 Vt. Stat. Ann. § 2740(16)	Yes	Yes	Yes	One year "curing" required for protection of contributions within one year of filing bankruptcy. Protection unclear at best for nondeductible IRAs.
Virginia	Va. Code Ann. § 34-34(B)	Yes	Yes	Yes	Appears to protect inherited IRA/403bs, but confusingly, protection is to the "extent permitted under federal bankruptcy law", which begs question what that is after <i>Clark v. Rameker</i> . Does this also limit contributory nonrollover IRAs to \$1,245,475 limit?
Washington	Wash. Rev. Code § 6.15.020	Yes	Yes	Yes	Only for Washington "citizens". Protection extended to tracing even after assets distributed outside IRA/plan per recent legislation overruling <i>Anthis</i> case.
West Virginia	W.V. Code Ann. 38-8-1, 38-10-4 (in bankr)	Yes	Yes	No	IRAs, including SEP-IRAs, exempt to extent no excess contributions made. Requires residency, tax qualified. 403bs protected to extent "reasonably necessary".
Wisconsin	Wisc. Stat. Ann. § 815.18(3)(j)	Yes*	Probably	Yes	All IRAs/403bs protected, but must be "providing benefits by reason of age, illness, disability, death or length of service", do Roth IRA/403b qualify? Also "owner-dominated plan" exception (SEP/SIMPLE?). Inherited IRA not protected: <i>In re Clark, In re Kirchen</i>
Wyoming	Wyo. Stat. Ann. §1-20-110	Yes	Yes	Yes	Must be tax-qualified, only protected to the extent contributions made "while solvent".