

With student loans in terms of being discharged, it is under something called “Tortality of Circumstances Test and the Brenner Test” The Brenner Test in order to show undue hardship the debtor must show inability in current level of income or expenses to maintain a minimal standard of living and the likelihood that this inability would persist for significant portion of the payment period and the existence of a good faith effort to repay the loans.

Under the Tortality of Circumstances Test, the debtor must prove by preponderance of evidence that his past, present and reasonably reliable future financial resources, dependence necessary living expenses and other related facts prevent him from paying the student loans in question while maintaining a minimal standard of living even when divided by pre-disposition debts.

Even in these circumstances there has been decisions today that Debtors NOT entitled to discharge of a student loans just because of his current income is insufficient to maintain a minimal standard of living; it has to show that his future earning prospects are so dismal is to warrant a discharge.