Alper Law

# IRA Protection from Lawsuits by State

## 2026 State-by-State Chart

In most states, an IRA is fully protected from a lawsuit judgment, traditional and Roth alike. Outside of bankruptcy, state law controls whether a judgment creditor can reach an IRA. A handful of states cap the exemption at a dollar amount, protect only what a judge finds necessary for retirement support, or leave Roth coverage unresolved.

In bankruptcy, federal law caps the IRA exemption at $1,711,975 for the money the owner contributed and its earnings, while money rolled over from an employer plan stays uncapped. No state's exemption stops a divorce order, an IRS levy, or a federal criminal restitution order. The chart below shows each state's rule and the statute behind it.

## Are IRAs Protected from Lawsuits?

Yes. In most states, a judgment creditor cannot reach money inside an IRA no matter how large the balance grows. The protection comes from each state's exemption statutes: when a creditor tries to collect a judgment by garnishment or levy, the exemption puts the retirement account off limits.

Several states go further and declare the account a spendthrift trust. Kansas conclusively presumes it, Washington deems it one however much control the owner keeps, and New York's presumption expressly holds in bankruptcy. The designation puts the account in the class of trust interests a creditor cannot reach.

Protection for money already paid out of the account is less common. Oklahoma, New Jersey, and Rhode Island exempt distributions expressly. Texas keeps a distribution exempt for 60 days and indefinitely if rolled over, while New Mexico lets retirement money keep its exemption after it lands in a bank account.

## What Each State's IRA Exemption Says

Every state and the District of Columbia has a retirement exemption on its books, and the chart covers all of them. The first two columns show whether the state exempts a traditional and a Roth IRA from judgment creditors outside of bankruptcy. The Special Provisions column carries each state's caps, lookbacks, and exceptions. The Authority column names the statute or decision behind the row.

On the chart, **Yes** means the state exempts the account, with any conditions noted under Special Provisions. **Partly** means the exemption itself is limited: California and Nebraska protect only what a court finds necessary for retirement support, and Virginia protects only up to a borrowed federal figure. **Unclear** appears once, for West Virginia's unresolved Roth coverage.

| State | IRA Exempt | Roth IRA Exempt | Special Provisions | Authority |
|---|---|---|---|---|
| **Alabama** | Yes | Yes | Statute names Roth IRAs, SEPs, and SIMPLE IRAs directly; unlimited; exemption ends at the owner's death except for a surviving spouse; not exempt from taxes, QDROs, excess contributions, or criminal restitution | Ala. Code § 19-3B-508(a)(4), (b), (c), (g) |
| **Alaska** | Yes | Yes | Inherited IRAs protected, with the exemption passing to a death beneficiary and to a lifetime transferee; contributions within 120 days before bankruptcy not exempt; QDRO claims not exempt | Alaska Stat. § 09.38.017(a)–(c), (e)(4) |
| **Arizona** | Yes | Yes | Inherited IRAs expressly protected; contributions within 120 days before bankruptcy not exempt; QDRO and child-support arrearage claims not exempt | Ariz. Rev. Stat. § 33-1126(B), (D) |

| State | IRA Exempt | Roth IRA Exempt | Special Provisions | Authority |
|---|---|---|---|---|
| **Arkansas** | **Yes** | **Yes** | Contributions above the IRC-deductible amount (and their earnings) not exempt, but Roth IRAs are excepted from that limit; in bankruptcy the state list caps IRA contributions at $20,000 and denies contributions made within 1 year of filing | Ark. Code Ann. § 16-66-220(a)(1), (b); *Clinical Study Centers, Inc. v. Boellner*, 2012 Ark. 266 |
| **California** | **Partly** | **Partly** | Traditional and Roth IRAs exempt only as needed for retirement support; for consumer debt the protected amount cannot fall below the federal bankruptcy IRA cap ($1,711,975), aggregated across accounts; tort and business judgments get only the support test; exemption yields to support judgments | Cal. Civ. Proc. Code §§ 704.115(a)(3), (c), (e)(1)–(2), (f), 683.110(d) |
| **Colorado** | **Yes** | **Yes** | Unlimited, and covers accounts already paying out; not exempt from child-support arrearage judgments or from a wrongful-death judgment against a person who committed a felonious killing | Colo. Rev. Stat. § 13-54-102(1)(s), (3), (4) |
| **Connecticut** | **Yes** | **Yes** | Traditional IRA exempt only to the extent funded by a qualified rollover or by contributions within the annual IRC § 219(b) limits; excess funding is unprotected; contributions made within 90 days of the claim by a self-employed owner, partner, or 1% shareholder lose the exemption; QDRO claims not exempt | Conn. Gen. Stat. § 52-321a(a)(1)(B), (C)(iii), (b), (c) |
| **Delaware** | **Yes** | **Yes** | Unlimited and available against ordinary judgment creditors; inherited retirement accounts expressly covered; not exempt from divorce, support, or QDRO claims, from a state tax judgment, or from a lien securing a plan loan | Del. Code tit. 10, § 4915(a), (c)–(g) |
| **District of Columbia** | **Yes** | **Yes** | No dollar cap, and the statute names Section 408A; the whole exemption list runs only to a head of a family or a householder; contributions above the deductible amount or the Roth limit, and their earnings, not exempt; QDRO claims and District of Columbia claims not exempt | D.C. Code § 15-501(a)(9) |
| **Florida** | **Yes** | **Yes** | **Unlimited; statute names § 408A, so Roth, SEP, SIMPLE and rollover IRAs are all covered; inherited IRAs expressly exempt, retroactively; no lookback; not exempt from a QDRO or a surviving spouse's elective share, and forfeited if the IRA is not maintained in accordance with its own plan document** | **Fla. Stat. § 222.21(2)(a)–(d); *Yerian v. Webber*, 927 F.3d 1223 (11th Cir. 2019)** |
| **Georgia** | **Yes** | **Yes** | Undistributed IRA balance fully exempt from garnishment and, being a transfer restriction, excluded from the bankruptcy estate, so the federal cap never applies; once distributed, the money keeps only ordinary wage-garnishment protection, and in bankruptcy an IRA payment is exempt only as needed for support | O.C.G.A. §§ 18-4-6(a)(2), 44-13-100(a)(2)(F), (a)(2.1)(D); *In re Hoffman*, 22 F.4th 1341 (11th Cir. 2022) |
| **Hawaii** | **Yes** | **Yes** | 3-year lookback: contributions made in the 3 years before a bankruptcy filing, or before a lawsuit is filed against the owner, are not exempt; QDRO claims not exempt | Haw. Rev. Stat. § 651-124(1)–(2) |
| **Idaho** | **Yes** | **Yes** | No cap and no lookback; treated as a spendthrift trust even if the owner can withdraw; not exempt from child support, a QDRO, or a maintenance or support order | Idaho Code § 11-604A(3)–(5) |
| **Illinois** | **Yes** | **Yes** | No cap, no lookback, and no support or QDRO exception; the plan must be intended in good faith to qualify under the Internal Revenue Code | 735 ILCS 5/12-1006(a)–(c) |
| **Indiana** | **Yes** | **Yes** | No cap or lookback, but only pre-tax contributions, Roth contributions, their earnings, and rollovers are covered; after-tax contributions that are not Roth are not exempt | Ind. Code § 34-55-10-2(c)(6) |

 

| State | IRA Exempt | Roth IRA Exempt | Special Provisions | Authority |
|---|---|---|---|---|
| **Iowa** | **Yes** | **Yes** | Rollovers and IRA-to-IRA transfers exempt in any amount; direct contributions exempt only up to the deductible IRA amount, with earnings prorated; in the two tax years before the claim or bankruptcy every plan is capped at the deductible IRA contribution; QDRO, child support, and alimony not exempt | Iowa Code § 627.6(8)(e)–(f) |
| **Kansas** | **Yes** | **Yes** | No cap, and the plan is conclusively presumed a spendthrift trust; but not exempt from a QDRO alternate payee or a child support order | Kan. Stat. Ann. § 60-2308(b)–(c) |
| **Kentucky** | **Yes** | **Yes** | 120-day lookback: contributions within 120 days before bankruptcy, or, outside bankruptcy, before the earlier of judgment or levy, are not exempt; not exempt from child support or maintenance orders | Ky. Rev. Stat. § 427.150(2)(f) |
| **Louisiana** | **Yes** | **Yes** | Contributions made less than one calendar year before a bankruptcy filing, or before writs of seizure are filed, are not exempt; a transfer from one retirement account to another is not a contribution; alimony and child support are excepted | La. Rev. Stat. § 13:3881(D)(1)–(3) |
| **Maine** | **Yes** | **Yes** | $1,054,550 aggregate cap across all tax-qualified retirement accounts, CPI-adjusted every three years (next April 1, 2027); contributions within 120 days before bankruptcy, or before the earlier of judgment or levy, not exempt; child and spousal support not exempt | Me. Rev. Stat. tit. 14, § 4422(13-A) |
| **Maryland** | **Yes** | **Yes** | Not exempt from claims by the Maryland Department of Health or from a QDRO alternate payee; contributions above the deductible amount (or above the Roth limit), plus the earnings on them, are not exempt | Md. Code, Cts. & Jud. Proc. § 11-504(h) |
| **Massachusetts** | **Yes** | **Yes** | Contributions above 7% of income in the 5 years before bankruptcy or judgment not exempt, rollovers excluded; not exempt from divorce, separate maintenance, child support, or criminal restitution | Mass. Gen. Laws ch. 235, § 34A |
| **Michigan** | **Yes** | **Yes** | Contributions within 120 days before bankruptcy not exempt; contributions above the deductible IRA limit for the year made (and their earnings) not exempt, rollovers excluded; not exempt from divorce, separate maintenance, or child support orders | Mich. Comp. Laws §§ 600.6023(1)(j), 600.5451(1)(k) |
| **Minnesota** | **Yes** | **Yes** | Exempt up to $84,000 (July 1, 2026 figure), plus any amount needed for support; adjusts only in 10% steps and only in even years, next July 1, 2028; no cap on ERISA plans; not exempt from support orders | Minn. Stat. § 550.37, subd. 24 |
| **Mississippi** | **Yes** | **Yes** | Statute names Roth IRAs and 457(b) plans directly; no cap, no lookback, and no stated exceptions | Miss. Code § 85-3-1(e) |
| **Missouri** | **Yes** | **Yes** | Inherited IRAs expressly exempt; in bankruptcy, no exemption for a fraudulent plan for the 3 years before filing; not exempt from child support or maintenance orders | Mo. Rev. Stat. § 513.430.1(10)(f) |
| **Montana** | **Yes** | **Yes** | Only contributions made before the lawsuit was filed are exempt; inherited IRAs are not exempt; not exempt from child support or spousal maintenance | Mont. Code § 25-13-608(1)(e); *Matter of Golz*, 2015 MT 318 |
| **Nebraska** | **Partly** | **Partly** | Exempt only as reasonably necessary for support, traditional and Roth alike; no exemption if the account was opened or amended to increase contributions within 2 years before bankruptcy or judgment, or if it does not qualify under IRC 401(a), 403(a), 403(b), 408, or 408A | Neb. Rev. Stat. § 25-1563.01 |

| State | IRA Exempt | Roth IRA Exempt | Special Provisions | Authority |
|---|---|---|---|---|
| **Nevada** | **Yes** | **Yes** | Exempt up to $1 million; inherited IRAs protected | Nev. Rev. Stat. § 21.090(1)(r) |
| **New Hampshire** | **Yes** | **Yes** | No cap; statute names Roth IRAs and safe-harbors rollovers from fraudulent-transfer attack; subject to the Uniform Voidable Transactions Act; applies only to debts arising after January 1, 1999 | N.H. Rev. Stat. § 511:2, XIX |
| **New Jersey** | **Yes** | **Yes** | Excluded from the bankruptcy estate by statute, and distributions are protected too; not exempt from support orders, QDROs, voidable transfers, or punitive damages for manslaughter or murder | N.J. Stat. § 25:2-1(b) |
| **New Mexico** | **Yes** | **Yes** | No dollar cap and no support test; retirement money traced into a bank account keeps the exemption | N.M. Stat. § 42-10-1(A)(10)–(11) |
| **New York** | **Yes** | **Yes** | Uncapped and conclusively a spendthrift trust, in bankruptcy too; but additions made on or after the date 90 days before the creditor's claim was interposed, including deposits made while the suit is pending, are not exempt, nor are additions voidable under Debtor and Creditor Law art. 10; QDROs and support orders get through | N.Y. C.P.L.R. § 5205(c)(2)–(5) |
| **North Carolina** | **Yes** | **Yes** | Uncapped, no contribution lookback; statute names Roth accounts and expressly keeps the exemption for an inherited IRA held by a beneficiary | N.C. Gen. Stat. § 1C-1601(a)(9) |
| **North Dakota** | **Yes** | **Yes** | $200,000 per account and $400,000 in total, and only for funds in effect at least a year; the dollar limit, not the one-year rule, lifts to the extent a court finds the funds reasonably necessary for support; support orders and QDROs get through | N.D. Cent. Code § 28-22-03.1(7) |
| **Ohio** | **Yes** | **Yes** | Uncapped, but exempt only to the extent traced to contributions within the applicable IRA, Roth or rollover limits; assets deposited to evade a debt are not exempt; inherited accounts expressly exempt; child-support orders get through | Ohio Rev. Code § 2329.66(A)(10)(c), (e) |
| **Oklahoma** | **Yes** | **Yes** | No dollar cap and no lookback; distributions out of the plan are expressly exempt too, and plan-to-plan rollovers are safe-harbored from fraudulent-transfer attack | Okla. Stat. tit. 31, § 1(A)(20) |
| **Oregon** | **Yes** | **Yes** | No dollar cap, and the plan is conclusively a valid spendthrift trust even when self-settled; but a contribution that is not a permitted contribution is exposed to Oregon's voidable transactions act, and against a support order only 75% of the interest, or 50% of a lump-sum withdrawal, is exempt | Or. Rev. Stat. § 18.358(2)–(3) |
| **Pennsylvania** | **Yes** | **Yes** | Contributions in the year before a bankruptcy filing are not exempt, nor are contributions above $15,000 in any one-year period, nor amounts deemed fraudulent conveyances; amounts rolled over directly from another exempt fund do not count against either limit | 42 Pa. Cons. Stat. § 8124(b)(1)(ix) |
| **Rhode Island** | **Yes** | **Yes** | Uncapped, and payments out of the account are exempt too; not exempt from a divorce or separate-maintenance order, a child-support order, or excess contributions under IRC § 4973 | R.I. Gen. Laws § 9-26-4(11) |
| **South Carolina** | **Yes** | **Yes** | Uncapped; the exemption is available whether the person holds as participant, beneficiary, contingent annuitant or alternate payee, which likely but not expressly covers an inherited IRA; a fraudulent conveyance into the account reduces or eliminates it | S.C. Code § 15-41-30(A)(13) |

| State | IRA Exempt | Roth IRA Exempt | Special Provisions | Authority |
|---|---|---|---|---|
| **South Dakota** | Yes | Yes | Exempt up to $1 million, which the debtor must select and designate; a South Dakota court may cut the amount down if it finds $1 million excessive under the state constitution; no exemption against debts owed to South Dakota or its subdivisions, or against a QDRO | S.D. Codified Laws §§ 43-45-16 to 43-45-18 |
| **Tennessee** | Yes | Yes | Uncapped; the statute names Roth IRAs; not exempt from a QDRO alternate payee or from claims of the State of Tennessee; plan records are exempt from subpoena | Tenn. Code § 26-2-105(b)–(c) |
| **Texas** | Yes | Yes | Uncapped; inherited IRAs and inherited Roth IRAs both expressly protected; a distribution stays exempt for 60 days, and indefinitely if rolled over | Tex. Prop. Code § 42.0021(a)(4)–(5), (b), (e) |
| **Utah** | Yes | Yes | Uncapped; inherited IRAs expressly protected no matter when the account was created; contributions in the year before a bankruptcy filing not exempt, except direct rollovers of exempt funds; not exempt from a QDRO or from a civil restitution judgment for contempt | Utah Code § 78B-5-505(1)(a)(xiv), (1)(b)–(c), (4)(a) |
| **Vermont** | Yes | Yes | Exempt only to the extent contributions were tax-deductible or excludable when made; a Roth IRA is exempt only up to the § 408A contribution limits; contributions made within one calendar year of a bankruptcy filing not exempt; capped at $5,000 against the Office of Child Support | Vt. Stat. tit. 12, § 2740(16) |
| **Virginia** | Partly | Partly | No Virginia figure; the exemption is whatever federal bankruptcy law allows, so a contributory IRA is capped at $1,711,975; employer-plan rollovers, SEPs and SIMPLEs sit outside the cap; no exemption against the owner's own QDRO alternate payee, against state child-support enforcement, or against court process for child or child-and-spousal support; a married couple sued on the same marital debt shares one cap | Va. Code § 34-34(B)–(D); 11 U.S.C. §§ 522(d)(12), (n) |
| **Washington** | Yes | Yes | Uncapped, and the statute deems the account a spendthrift trust however much control the owner has; not exempt from child support collection, a QDRO, a court order for maintenance or support against an IRA, or collection of Washington's state income tax (added 2026) | Wash. Rev. Code § 6.15.020(3)–(5) |
| **West Virginia** | Yes | Unclear | Uncapped and outside the state's $15,000 personal-property cap, but neither exemption statute ever names § 408A, so Roth coverage is unresolved; a West Virginia debtor in bankruptcy may instead elect the federal exemptions, which do name Roth IRAs, at the cost of the federal $1,711,975 cap | W. Va. Code §§ 38-8-1(a)(5), 38-10-4(i)(5), (k) |
| **Wisconsin** | Yes | Yes | Uncapped for an ordinary IRA, but a self-employed owner's own plan, one 90% or more for the benefit of owner-employees, is protected only to the extent reasonably necessary for support; not exempt from child or family support, maintenance, or a divorce, annulment or legal-separation judgment | Wis. Stat. § 815.18(3)(j) |
| **Wyoming** | Yes | Yes | Contributions within 90 days before bankruptcy not exempt; inherited IRAs protected; QDRO claims not exempt | Wyo. Stat. § 1-20-110(a)–(d) |

Exemption statutes change. In 2026, Washington made its retirement exemption yield to collection of its new state income tax. Minnesota's dollar cap stepped up to $84,000 on July 1, 2026, and West Virginia opened its federal-exemption election to bankruptcy debtors in 2023.

## States with Dollar Caps on IRA Protection

Five states cap the IRA exemption at a dollar amount, and Virginia reaches the same result by borrowing a federal figure. Whatever sits above the cap is exposed.

**Nevada** protects up to $1 million, inherited accounts included. The figure is fixed by statute and does not adjust for inflation.

**South Dakota** also protects $1 million, but the debtor must select and designate the exemption, and a court may cut the amount down if it finds $1 million excessive under the state constitution.

**North Dakota** caps protection at $200,000 per account and $400,000 total, and a fund qualifies only after it has been in effect one year, so a fresh job-change rollover can start unprotected. The dollar limit, but not the one-year rule, lifts when a court finds the money necessary for support.

**Minnesota** exempts $84,000 as of July 1, 2026, plus any additional amount needed for support. The figure moves only on July 1 of an even-numbered year, and only when inflation since 2011 clears another full 10 percent step; the next possible adjustment is July 1, 2028.

**Maine** exempts $1,054,550 in the aggregate across all tax-qualified retirement accounts, so a 401(k) and an IRA share one ceiling. The figure adjusts for inflation every three years, next on April 1, 2027.

**Virginia** sets no figure of its own. Its statute exempts a retirement plan to the same extent federal bankruptcy law does, which caps a contributory IRA at $1,711,975 and leaves employer-plan rollovers, SEP, and SIMPLE money outside the cap.

Minnesota's cap does not reach money still held inside an ERISA-qualified employer plan such as a 401(k), because federal law preempts the state cap as applied to an ERISA plan.

## States with Needs-Based IRA Protection

California and Nebraska protect an IRA only to the extent a court finds it necessary to support the owner in retirement, and the standard reaches traditional and Roth accounts alike.

California added a floor in 2025: when the judgment is on a consumer debt, the protected amount cannot fall below the federal bankruptcy IRA cap, $1,711,975, aggregated across the debtor's retirement accounts. A tort or business judgment gets no floor, only the support test. The exemption also yields to support judgments.

Nebraska applies its support standard to the entire account and adds a two-year rule. An account loses the exemption altogether if it was opened, or amended to increase contributions, within two years before bankruptcy or judgment.

Wisconsin shows how a support standard can single out the self-employed. An ordinary Wisconsin IRA is exempt without a cap. A plan maintained 90 percent or more for owner-employees, which describes a solo professional's own plan, is protected only as far as a court finds reasonably necessary for support.

A support standard ties the protected amount to a judge's reading of the owner's circumstances rather than to the account balance. North Dakota's statute spells out how that reading runs. The court weighs all of the debtor's present and anticipated property and income, including property that is otherwise exempt.

## Are Roth IRAs Protected from Creditors?

Yes, nearly everywhere. Almost every state gives a Roth IRA the same creditor protection as a traditional IRA. Most exemption statutes name Roth IRAs or Section 408A, the tax code section that creates them, and a few reach every IRA type through general retirement-plan language, Illinois and New Mexico among them.

A few states split the two account types. Arkansas denies protection to contributions above the tax-deductible amount but excepts Roth IRAs from that limit, so the Roth is the better-protected account there. Vermont exempts a traditional IRA only to the extent contributions were deductible when made and a Roth only within the Section 408A contribution limits.

California and Nebraska protect Roth and traditional IRAs alike, but only as far as their support standards reach.

West Virginia's exemption statutes name individual retirement accounts but never name Section 408A, the Roth section, so their coverage of Roth accounts is uncertain. A 2023 amendment lets a West Virginia debtor in bankruptcy elect the federal exemptions instead, and those do name Roth IRAs, at the cost of the federal $1,711,975 cap that West Virginia's own uncapped exemption avoids.

## Are Inherited IRAs Protected from Creditors?

In most states, an inherited IRA is not protected from creditors. The federal bankruptcy exemption does not cover one. The U.S. Supreme Court ruled in *Clark v. Rameker* (2014) that an inherited IRA holds no retirement funds within the meaning of that exemption, because the beneficiary did not set the money aside for retirement. In a state whose own exemption reaches inherited accounts, the debtor claims the state exemption instead, and the state route stays open.

Eleven states have written inherited IRAs into their exemption statutes: Alaska, Arizona, Delaware, Florida, Missouri, Nevada, North Carolina, Ohio, Texas, Utah, and Wyoming. Texas names inherited Roth IRAs as well, and Alaska extends the exemption to an account the owner transferred to the beneficiary during life. South Carolina's statute stops short of naming inherited accounts but extends the exemption to a person holding the plan interest as a beneficiary, which likely covers an inherited IRA.

Montana answers the question the other way. The Montana Supreme Court held in *Matter of Golz* (2015) that the state exemption does not reach an inherited IRA, following *Clark*. Alabama's exemption ends at the owner's death for everyone except a surviving spouse.

Where a state leaves inherited IRAs exposed, the owner can name a trust with spendthrift provisions as the account's beneficiary instead of an individual. The trust receives the inherited IRA, and spendthrift terms can keep the account beyond the reach of the beneficiary's creditors. Wyoming's statute expressly counts a trust or trustee as a protected beneficiary.

## How Bankruptcy Changes IRA Protection

Federal bankruptcy law caps the IRA exemption at $1,711,975 for the money the owner contributed and its earnings. The figure took effect in April 2025, adjusts for inflation every three years, next on April 1, 2028, and a bankruptcy court can raise it when the interests of justice require.

The cap, set by Section 522(n) of the Bankruptcy Code, has two built-in exceptions. SEP and SIMPLE IRAs sit outside it on the statute's face, and money rolled over from an employer plan does not count against it.

The cap governs a debtor claiming the federal exemption list. Debtors in states that keep their own exemption lists in bankruptcy, including Florida, claim the state exemption instead, so a Florida debtor relies on Florida's unlimited exemption rather than the federal figure.

Georgia debtors escape the cap another way. Georgia's garnishment statute exempts an undistributed IRA in full. In *In re Hoffman*, 22 F.4th 1341 (11th Cir. 2022), the Eleventh Circuit held that the statute is an enforceable restriction on transfer, so a debtor's Roth IRAs stayed out of the bankruptcy estate entirely. The court reached the same result for a traditional IRA in *In re Meehan*, 102 F.3d 1209 (11th Cir. 1997), and the federal cap never applies to excluded property.

Money paid out of a Georgia IRA keeps only ordinary wage-garnishment protection against a judgment creditor, and in bankruptcy an IRA payment is exempt only as needed for support.

## Rollover IRAs and ERISA Protection

An IRA funded by a rollover from a 401(k), 403(b), or pension is protected differently from an IRA funded by the owner's own contributions. In bankruptcy, the rollover money is exempt without limit; only contributed money and its earnings count against the federal cap.

Outside of bankruptcy, the distinction mostly disappears. The state exemption governs the whole account, and most states apply the same rule to rollover money and contributed money. Iowa is an exception, protecting rollovers and transfers between retirement accounts in any amount while capping direct contributions at the deductible amount.

For example, suppose a business owner rolls $2 million from a 401(k) into an IRA. In bankruptcy, the entire account stays protected. If a creditor sues in Nevada outside of bankruptcy, the state's $1 million cap leaves the other $1 million exposed.

Leaving money inside an ERISA-qualified employer plan is almost always safer than rolling it into an IRA. Once funds move from a 401(k) or other ERISA plan into an IRA, they lose the ERISA shield against creditor claims outside bankruptcy and depend on state law instead. ERISA's own shield holds against ordinary judgment creditors, in bankruptcy and out. The statute writes in three exceptions: a limited voluntary assignment, a qualified domestic relations order, and certain plan-directed offsets.

## Exceptions That Apply in Every State

No IRA exemption, state or federal, protects against every kind of claim. Three kinds of claims reach the account in every state.

**Divorce and domestic relations orders.** A divorce court can award part of an IRA to the other spouse, and the transfer moves the account to that spouse without tax. No state's IRA exemption blocks a divorce claim. Several state statutes, Florida's among them, say so outright by denying the exemption to an alternate payee under a qualified domestic relations order.

**IRS levies.** The IRS can levy on an IRA to collect unpaid federal taxes, and no state exemption blocks a federal tax levy. A Florida appellate court held in *Lawler v. SunTrust Securities*, 740 So. 2d 592 (Fla. 5th DCA 1999), that the state's IRA exemption could not stop an IRS levy, because state law cannot limit the federal levy power.

**Criminal restitution.** A federal restitution order reaches an IRA whatever the state exemption says, because federal law gives the restitution lien the reach of a federal tax lien. Alabama, Massachusetts, and a few other states also write criminal restitution out of their own exemptions.

## IRA Contribution Lookback Periods by State

Many states deny protection for IRA contributions made within a set period before a bankruptcy filing, and several run the same clock from a judgment, a levy, or the lawsuit itself. The rules target last-minute transfers of exposed cash into a protected account.

- **Alaska, Arizona, Kentucky, Maine, and Michigan** deny protection for contributions made within 120 days before a bankruptcy filing; Wyoming's window is 90 days. In Kentucky and Maine the same window also runs outside bankruptcy, from the earlier of the judgment or the levy.
- **Louisiana, Pennsylvania, Utah, and Vermont** use a one-year lookback before a bankruptcy filing. Louisiana's clock also starts when writs of seizure are filed, and a Louisiana transfer between retirement accounts does not count as a contribution. Arkansas puts the same one-year rule, plus a $20,000 cap, in its state bankruptcy exemption list.
- **Pennsylvania** separately denies protection, at any time, to contributions above $15,000 in any one-year period. Amounts rolled over directly from another exempt fund escape both of its rules, and Utah excepts direct rollovers of exempt funds as well.
- **Hawaii** applies a three-year lookback that runs from either a bankruptcy filing or the date a lawsuit is filed against the owner, so the lawsuit itself starts the clock.
- **Massachusetts** measures by income: contributions exceeding 7 percent of the owner's total income over the five years preceding bankruptcy or judgment are not exempt, and rollovers do not count toward the 7 percent.

> **Connecticut** claws back contributions made within 90 days of the creditor's claim, but only from a self-employed owner, a partner, or a 1 percent shareholder of the sponsoring business.
>
> **New York** protects the account without limit but not every deposit into it. The unprotected window opens 90 days before the creditor first asserts the claim and never closes: everything added after that date loses protection, including deposits made while the case is pending.
>
> **Montana** goes further than a lookback: contributions made after the creditor filed suit are never exempt, no matter how early the account was opened.

Florida has no contribution lookback period in its IRA exemption statute. A contribution made to hinder, delay, or defraud creditors can still be challenged as a fraudulent conversion under Florida Statute § 222.30, but a person who moves non-exempt cash into an IRA before any creditor threat exists has no lookback risk. Once IRA money is withdrawn and deposited in a regular bank account, its protection becomes uncertain, because Florida courts are split on whether retirement account withdrawals keep their exempt status.

## How Florida Protects IRAs

Florida exempts every type of IRA from creditors with no dollar limit. Under Florida's IRA exemption statute, traditional IRAs, Roth IRAs, SEP-IRAs, SIMPLE IRAs, rollover IRAs, and inherited IRAs are all protected, subject only to a divorce order and a surviving spouse's elective share. The statute names Section 408A on its face. Its inherited-IRA provision applies retroactively, whenever the account was inherited.

The exemption carries one condition that has cost debtors the entire account. The IRA must be maintained in accordance with its own plan documents. In *Yerian v. Webber*, 927 F.3d 1223 (11th Cir. 2019), the Eleventh Circuit held that a debtor forfeited Florida's exemption by running self-dealing transactions that his IRA's own governing documents prohibited. In *In re Hughes*, a Florida bankruptcy court held the exemption forfeited where the owner borrowed from his own IRA, even though he repaid the money.

Florida's statute has no custodian-location requirement, so the exemption protects a Florida resident's IRA wherever the custodian sits. A creditor can still serve a garnishment writ in the state where the account is held, and the owner may then have to assert the Florida exemption in that state's courts.

## Where IRA Protection Is Strongest and Where It Falls Short

Most states, Florida among them, fully exempt an IRA from judgment creditors outside of bankruptcy. Florida's exemptions from creditors reach every type of IRA, including inherited accounts, with no cap and no lookback. Nevada, South Dakota, North Dakota, Minnesota, and Maine cap the exemption at a dollar amount, and Virginia borrows the federal bankruptcy cap. California and Nebraska protect only what a court finds necessary for support, and West Virginia's statutes do not clearly cover Roth IRAs.

Two limits apply everywhere. In bankruptcy, federal law caps the exemption at $1,711,975 for the money the owner contributed and its earnings, though employer-plan rollovers stay fully exempt. No exemption, state or federal, stops a divorce order, an IRS levy, or federal criminal restitution. One more rule holds everywhere: where the money sits decides its shield. A 401(k) or other ERISA plan is protected against ordinary judgment creditors whether or not the owner files bankruptcy, subject only to the exceptions ERISA itself writes in. A rolled-over IRA depends on the owner's state.

## Sources

*The exemption statute behind each row of the chart, jurisdiction by jurisdiction, with the subsections that carry the caps, the lookbacks and the excepted creditors. Where a figure is set or announced by an agency under a statutory mechanism, the publication that carries it is named. The federal provisions the chart depends on are collected at the end.*

### Alabama

Ala. Code § 19-3B-508(a)(4), (b), (c), (e)-(g) (IRA, rollover IRA, Roth IRA under Section 408A, SEP and SIMPLE IRA named; no dollar cap)

Ala. Code § 19-3B-508(g) (assets cease to be exempt after the account owner's death, except as to a surviving spouse)

### Alaska

Alaska Stat. § 09.38.017(a)-(c), (e)(4) (interest acquired as a result of the death of an individual, and an IRA transferred during the individual's lifetime, both exempt; 120-day pre-bankruptcy contribution rule; QDRO alternate payees)

Alaska Stat. § 09.38.017(d) (conclusive spendthrift-trust presumption)

### Arizona

Ariz. Rev. Stat. § 33-1126(B) (interest exempt whether it arises by inheritance, designation, appointment or otherwise; §§ 408 and 408A named; QDRO and 120-day carve-outs)

Ariz. Rev. Stat. § 33-1126(D) (no exemption against a judgment for child support arrearages or a child support debt)

### Arkansas

Ark. Code Ann. § 16-66-220(a)(1), (b)(1)-(2) (exemption unless the account fails to qualify under the Internal Revenue Code; contributions above the deductible amount and their earnings not exempt, with Roth accounts excepted from that limit)

Ark. Code Ann. § 16-66-218(b)(16) (state bankruptcy list: one-year contribution rule and $20,000 ceiling)

Ark. Code Ann. § 16-66-217 (election of the federal bankruptcy exemptions)

Clinical Study Centers, Inc. v. Boellner, 2012 Ark. 266 (exemption reaches garnishment; no parallel reporter cite is published because the pincite is unverified)

### California

Cal. Civ. Proc. Code § 704.115(a)(3), (c), (e)(1)-(2), (f) (accounts qualified under Section 408 or 408A; support standard; personal-debt floor aggregated across all retirement plans; yields to support judgments)

Cal. Civ. Proc. Code § 683.110(d)(2)-(3) (definition of personal debt; debts obtained by tortious or fraudulent conduct excluded)

Stats. 2024, c. 514 (A.B. 2837), § 7, eff. Jan. 1, 2025 (the amendment that added the floor)

11 U.S.C. § 522(n) (the $1,711,975 figure the floor borrows by cross-reference)

### Colorado

Colo. Rev. Stat. § 13-54-102(1)(s) (plans under 26 U.S.C. §§ 401, 408 and 408A, including accounts from which the debtor has received benefits or payments; no cap)

Colo. Rev. Stat. § 13-54-102(3) (child support arrearage judgments), (4) (judgment against a person who committed a felonious killing), (6) (first-in, first-out tracing of commingled funds)

### Connecticut

Conn. Gen. Stat. § 52-321a(a)(1)(B) (traditional IRA exempt only to the extent funded by a qualified rollover or by contributions within the Section 219(b) limits), (a)(1)(C)(iii) (Roth IRA established and funded pursuant to Section 408A)

Conn. Gen. Stat. § 52-321a(a)(2) (conclusive transfer-restriction presumption), (b) (QDRO alternate payees), (c) (90-day clawback against a self-employed owner, partner or one percent shareholder)

Conn. Gen. Stat. § 52-352b(13) (the exemption list that incorporates § 52-321a)

### Delaware

Del. Code tit. 10, § 4915(a), (b), (f) (exempt from execution or attachment process, not bankruptcy-scoped; retirement plan defined to include accounts a decedent left to or for the benefit of the owner or beneficiary)

Del. Code tit. 10, § 4915(c)-(e), (g) (divorce and support proceedings, QDRO alternate payees, assets pledged for a plan loan, and a state tax judgment under Del. Code tit. 30, § 554)

### District of Columbia

D.C. Code § 15-501(a)(9) (plans qualified under Sections 401(a), 403(a), 403(b), 408, 408A, 414(d) and 414(e); no dollar amount stated; QDRO alternate payees, a Section 401(a) plan suing as creditor of a Section 408 IRA, and claims by or debts owed to the District all excepted; contributions above the deductible amount or the Roth maximum, and their accrued earnings, not exempt)

D.C. Code § 15-501(a) chapeau and (c) (the list runs only to a head of a family or householder)

D.C. Code § 15-501(a)(10) (an alternate payee's own interest)

D.C. Law 13-129, § 4 (2000), as last amended by D.C. Law 22-189 (Dec. 4, 2018)

### Florida

Fla. Stat. § 222.21(2)(a)-(b) (funds maintained in accordance with a plan qualified under Sections 401(a), 403(a), 403(b), 408, 408A, 409, 414, 457(b) or 501(a) are exempt from all claims of creditors; ERISA coverage not required)

Fla. Stat. § 222.21(2)(c) (inherited individual retirement accounts as defined in Section 408(d)(3); remedial and retroactive)

Fla. Stat. § 222.21(2)(d) (QDRO alternate payee and a surviving spouse's elective share under ch. 732, pt. II)

Yerian v. Webber, 927 F.3d 1223 (11th Cir. 2019) (exemption forfeited where the IRA is not maintained in accordance with its own governing instrument)

### Georgia

O.C.G.A. § 18-4-6(a)(2) (undistributed IRA funds exempt from garnishment; once paid or distributed they keep only the § 18-4-5 disposable-earnings protection)

O.C.G.A. § 44-13-100(a)(2.1)(D) (undistributed Section 408 IRA exempt in bankruptcy with no support limit), (a)(2)(F) (an IRA payment exempt only as reasonably necessary for support)

In re Hoffman, 22 F.4th 1341 (11th Cir. 2022) (Roth IRA excluded from the bankruptcy estate under 11 U.S.C. § 541(c)(2) as a transfer restriction enforceable under Georgia law)

### Hawaii

Haw. Rev. Stat. § 651-124 (plans described in Internal Revenue Code Sections 401(a), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d) and 414(e); no cap)

Haw. Rev. Stat. § 651-124(1) (qualified domestic relations orders), (2) (contributions within three years before a bankruptcy filing or within three years before a civil action is initiated against the debtor)

### Idaho

Idaho Code § 11-604A(3)-(5) (employee benefit plans, including Sections 401(a), 403(a), 403(b), 408, 408A and 457 arrangements, deemed spendthrift trusts regardless of the debtor's ability to withdraw; child support, QDRO and maintenance or support orders excepted)

Idaho Code § 55-1011 (an additional and narrower exemption against judgments arising out of a negligent or otherwise wrongful act, with its own QDRO exception)

### Illinois

735 ILCS 5/12-1006(a)-(c) (plan intended in good faith to qualify under the Internal Revenue Code; individual retirement accounts and annuities included; conclusive spendthrift-trust presumption; no support or QDRO exception anywhere in the section)

### Indiana

Ind. Code § 34-55-10-2(c)(6) (exemption runs to contributions not subject to federal income taxation when made, contributions made in the manner prescribed by Section 408A, their earnings, and roll-overs of them; no cap and no lookback)

### Iowa

Iowa Code § 627.6(8)(e) (all transfers in any amount from an eligible retirement plan to an IRA, individual retirement annuity, Roth IRA or Roth annuity; contributions exempt only up to the deducted or maximum deductible amount, with earnings prorated; QDRO, child support and alimony excepted)

Iowa Code § 627.6(8)(f) (the two tax years preceding the claim of exemption or the bankruptcy filing capped at the maximum deductible IRA contribution)

Iowa Code § 627.10 (Iowa opts out of the federal exemptions)

### Kansas

Kan. Stat. Ann. § 60-2308(b) (plans qualified under Sections 401(a), 403(a), 403(b), 408, 408A and 409 exempt from any and all claims of creditors and conclusively presumed spendthrift trusts; no cap and no support qualifier)

Kan. Stat. Ann. § 60-2308(c) (QDRO alternate payee or child support order)

### Kentucky

Ky. Rev. Stat. § 427.150(2)(f) (IRAs and Section 408 or 408A accounts, uncapped, and applied for 11 U.S.C. § 522(b)(3) purposes; contributions within 120 days before a bankruptcy filing or before the earlier of judgment or levy are not exempt; maintenance and child support orders excepted)

### Louisiana

La. Rev. Stat. § 13:3881(D)(1) (pensions, tax-deferred arrangements and their proceeds exempt from all liability except alimony and child support), (D)(3) (IRAs of any variety, rolled-over balances, Keogh, SEP and SIMPLE plans and Roth IRAs)

La. Rev. Stat. § 13:3881(D)(2) (no exemption for a contribution made less than one calendar year before the bankruptcy filing or the filing of writs of seizure; a transfer between tax-deferred arrangements is not a contribution)

La. Rev. Stat. § 20:33 (duplicate exemption)

### Maine

Me. Rev. Stat. tit. 14, § 4422(13-A) (retirement funds exempt from taxation under Internal Revenue Code Sections 401, 403, 408, 408A, 414, 457 or 501(a), up to an aggregate value of $1,054,550; 120-day contribution rule at paragraph A; child and spousal support at paragraph B)

Me. Rev. Stat. tit. 14, § 4422, closing paragraph (Northeast-region CPI-U adjustment beginning April 1, 2024 and every three years thereafter, published by the Supreme Judicial Court and rounded up to the next $50; next adjustment effective April 1, 2027)

Maine Revisor of Statutes, official text of 14 M.R.S. § 4422(13-A) as served August 28, 2026 (printing $1,054,550)

### Maryland

Md. Code, Cts. & Jud. Proc. § 11-504(h)(1) (plans qualified under Sections 401(a), 403(a), 403(b), 408, 408A, 414(d) and 414(e), exempt from all creditor claims other than claims by the Maryland Department of Health; no cap)

Md. Code, Cts. & Jud. Proc. § 11-504(h)(2)-(4) (QDRO alternate payee; a Section 401(a) plan as creditor of the debtor's Section 408 IRA; contributions above the deductible amount or the Roth maximum, and their accrued earnings, not exempt)

Md. Code, Cts. & Jud. Proc. § 11-504(d) (subsection (h) is not waivable)

### Massachusetts

Mass. Gen. Laws ch. 235, § 34A (uncapped exemption for an individual retirement account or annuity maintained by an individual; sums deposited in the five years before the declaration of bankruptcy or entry of judgment in excess of 7 percent of total income are not exempt, rollovers and transfers excluded from the computation; divorce, separate maintenance, child support, and, on conviction of a crime, a monetary penalty or victim restitution all excepted)

Mass. Gen. Laws ch. 246, § 28 (the same lookback repeated verbatim, so it reaches garnishment)

26 U.S.C. § 408A(a)-(b) (the federal basis for reading a Roth IRA as an individual retirement account; no Massachusetts authority names Roth IRAs)

### Michigan

Mich. Comp. Laws § 600.6023(1)(j) (execution) and § 600.5451(1)(k) (bankruptcy), each uncapped and each naming Section 408 or 408a accounts

The same paragraphs (contributions within 120 days before a bankruptcy filing not exempt; contributions exceeding the deductible amount allowed under Section 408 for the tax year made, with their earnings, not exempt, and that limit does not apply to a rollover; divorce, separate maintenance and child support orders excepted)

### Minnesota

Minn. Stat. § 550.37, subd. 24(a) (individual retirement account, Roth IRA, individual retirement annuity and simplified employee pension exempt up to a present value ceiling plus amounts reasonably necessary for support), subd. 24(b) (no exemption for a debt owed under a support order as defined in § 518A.26, subd. 21)

Minn. Stat. § 550.37, subd. 4a (amounts change on July 1 of an even-numbered year only when the index has moved ten percent or more from the December 2011 reference base, and only in multiples of ten percent; the Commissioner of Commerce publishes by April 30 and notifies the revisor)

Minnesota Department of Commerce, Official Notice of exempt property amounts, updated June 29, 2026 (the publication subd. 4a designates; sets subd. 24 at $84,000 for use from July 1, 2026 onward; next scheduled step July 1, 2028)

Revisor's note to Minn. Stat. § 550.37, subd. 24, citing Community Bank Henderson v. Noble, 552 N.W.2d 37 (Minn. Ct. App. 1996) (the amount limit is preempted by ERISA as to qualified plans)

### Mississippi

Miss. Code § 85-3-1(e) (assets held in or payable to a participant or beneficiary under Sections 401(a), 403(a), 403(b), 457(b) and 408 plans and a Roth individual retirement account within the meaning of Section 408A; no cap, no lookback and no stated exception creditors)

Miss. Code § 85-3-1(c) (Mississippi property exempt from another state's judgment for that state's tax on retirement benefits)

## Missouri

Mo. Rev. Stat. § 513.430.1(10)(f) (plans qualified under Sections 223, 401(a), 403(a), 403(b), 408, 408A and 409, including an inherited account or plan and interests arising by inheritance, designation, appointment or otherwise; no cap; no exemption in a Title 11 case for a plan that is fraudulent as defined in § 428.024.2 for the three years of participation before commencement)

Mo. Rev. Stat. § 513.430.2 (no exemption against a judicial or administrative order for child support or maintenance as to Section 408 and 408A plans)

## Montana

Mont. Code § 25-13-608(1)(e) (IRAs as defined in 26 U.S.C. 408(a) exempt to the extent of deductible contributions made before the suit resulting in judgment was filed, Roth IRAs as defined in 26 U.S.C. 408A to the extent of qualified contributions made before the suit was filed, and rollover contributions), (2) (child support and spousal maintenance)

Mont. Code § 31-2-106(1), (4) (the bankruptcy-only schedule, which carries the 15 percent of gross income rule; whether it reaches an IRA is unresolved)

Matter of Golz, 2015 MT 318 (an inherited IRA is not exempt under § 25-13-608(1)(e))

## Nebraska

Neb. Rev. Stat. § 25-1563.01 (in bankruptcy and in the collection of a money judgment, an interest under a plan or contract is exempt only to the extent reasonably necessary for the support of the debtor and dependents, and not at all if the plan was established or amended to increase contributions by or under the auspices of the individual or an insider within two years before bankruptcy or a money judgment, or if it does not qualify under Section 401(a), 403(a), 403(b), 408 or 408A)

## Nevada

Nev. Rev. Stat. § 21.090(1)(r) (money not to exceed $1,000,000 in present value held in an individual retirement arrangement conforming with Section 408 or 408A, including without limitation an inherited individual retirement arrangement; no support test and no lookback; no indexing mechanism)

Nev. Rev. Stat. § 21.075 (the statutory writ-of-execution notice form, reciting the same $1,000,000 figure)

## New Hampshire

N.H. Rev. Stat. § 511:2, XIX (any interest in a qualified retirement plan or arrangement, the enumerated examples including individual retirement accounts including Roth IRAs; a transfer or rollover contribution between retirement plans is not a fraudulent transfer; the plan must have been in existence on or created after January 1, 1999, and the paragraph applies only to extensions of credit made, and debts arising, after January 1, 1999)

N.H. Laws 2026, 215:6, eff. Aug. 31, 2026 (replacing the Uniform Fraudulent Transfer Act, RSA 545-A, with the Uniform Voidable Transactions Act, RSA 545-B; no other change)

## New Jersey

N.J. Stat. § 25:2-1(b) (property held in and distributions from a qualifying trust are exempt from all claims of creditors and excluded from an estate in bankruptcy, a qualifying trust being one created or qualified and maintained pursuant to federal law including Sections 401, 403, 408, 408A, 409, 529 and 530; exceptions for preferences and transfers voidable under the Uniform Voidable Transactions Act, for child or spousal support orders and QDRO alternate payees, and for punitive damages awarded in a civil action arising from manslaughter or murder)

## New Mexico

N.M. Stat. § 42-10-1(A)(10) (an interest in or proceeds from a pension, individual retirement account, annuity, profit-sharing plan and any other retirement account), (A)(11) (an individual retirement account that would qualify for tax exemptions under 26 U.S.C. 408 or any similar account); no dollar cap and no support test

N.M. Stat. § 42-10-1(A)(14) (the depository cap expressly does not reach money derived from paragraphs (6) through (11), so traced retirement money keeps the exemption in a bank account)

N.M. S.B. 216 (2023), final enrolled text (the latest amendment reflected)

## New York

N.Y. C.P.L.R. § 5205(c)(2) (IRA, Roth, Keogh, Section 401-qualified, 457 and rollover assets deemed a trust created by a person other than the judgment debtor), (c)(3) (conclusively presumed spendthrift trusts for all purposes)

N.Y. C.P.L.R. § 5205(c)(5) (additions are not exempt if made after the date that is ninety days before the interposition of the claim on which the judgment was entered, or if deemed voidable transactions under Debtor and Creditor Law article 10)

N.Y. C.P.L.R. § 5205(c)(4) (qualified domestic relations orders and orders of support, alimony or maintenance), (d)(1) (distributions)

## North Carolina

N.C. Gen. Stat. § 1C-1601(a)(9) (individual retirement plans including individual retirement accounts and Roth retirement accounts as described in Sections 408(a) and 408A; assets remain exempt after an individual's death if held by one or more subsequent beneficiaries by reason of a direct transfer or eligible rollover, including an inherited individual retirement account as defined in Section 408(d)(3); uncapped and no support test)

N.C. Gen. Stat. § 1C-1601(d) (the 90-day recent-purchase bar reaches only subdivisions (2) through (5)), (e) (the general exception list)

## North Dakota

N.D. Cent. Code § 28-22-03.1(7) (retirement funds that have been in effect for at least one year and are exempt from taxation under Section 401, 403, 408, 408A, 414, 457 or 501(a), not exceeding $200,000 for any one account or $400,000 in aggregate; the dollar limit alone lifts to the extent the property is reasonably necessary for support; spousal and child support orders and qualified domestic relations orders under §§ 15-39.1-12.2, 39-03.1-14.2 and 54-52-17.6 get through; the court weighs all the resident's property and income, including that which is exempt)

## Ohio

Ohio Rev. Code § 2329.66(A)(10)(c) (rights in an IRA, retirement annuity, Roth IRA, 529, 529A or education IRA, exempt only to the extent attributable to or derived from contributions within the applicable deductible-IRA, Roth, education-IRA or rollover limits and earnings on them, and not at all for assets deposited for the purpose of evading a debt or as provided in §§ 3119.80, 3119.81, 3121.02, 3121.03 and 3123.06)

Ohio Rev. Code § 2329.66(A)(10)(e) (assets a decedent, upon or by reason of the decedent's death, directly or indirectly left to or for the benefit of the person, by any method or procedure)

## Oklahoma

Okla. Stat. tit. 31, § 1(A)(20) (any interest in a qualified retirement plan or arrangement including any distributions from it, enumerating IRAs, retirement annuities, SEPs, Keoghs, Section 403(a) and 403(b) plans, Roth individual retirement accounts created pursuant to IRC Section 408A, education IRAs and 457 plans, and safe-harboring transfers or rollover contributions between retirement plans from fraudulent-transfer attack; no cap and no lookback)

Uniform Fraudulent Transfer Act, Okla. Stat. tit. 24, § 112 et seq. (which still reaches an ordinary contribution)

## Oregon

Or. Rev. Stat. § 18.358(2) (a retirement plan is conclusively presumed a valid spendthrift trust whether or not self-settled, and a beneficiary's interest is exempt from execution and all other process, subject to subsection (3))

Or. Rev. Stat. § 18.358(3)(a) (a contribution other than a permitted contribution is subject to §§ 95.200 to 95.310 concerning voidable transactions), (3)(b) (against process arising out of a support obligation, 75 percent of the interest and 50 percent of a lump-sum disbursement or withdrawal are exempt)

Or. Rev. Stat. § 18.358(1)(b)-(c) (the Internal Revenue Code frozen as in effect December 31, 1998; the definition of permitted contribution)

Or. Laws 2025, ch. 99, § 48 (the 2025 amendment to subsection (3)(b))

## Pennsylvania

42 Pa. Cons. Stat. § 8124(b)(1)(ix) (retirement or annuity funds under Internal Revenue Code Sections 401(a), 403(a), 403(b), 408, 408A, 409 and 530, their appreciation and income, and transfers and rollovers between such funds; clause (A) amounts contributed by the debtor within one year before the bankruptcy filing, clause (B) amounts contributed in excess of $15,000 within a one-year period, clause (C) amounts deemed fraudulent conveyances, with amounts directly rolled over from funds themselves exempt under the subparagraph excluded from (A) and (B))

2000 Pa. Laws 742, No. 105 (which fixed the $15,000 figure; the paragraph is unindexed)

## Rhode Island

R.I. Gen. Laws § 9-26-4(11) (an individual retirement account or annuity as defined in 26 U.S.C. §§ 408 and 408A and the payments or distributions from it, excepting an order pursuant to a judgment of divorce or separate maintenance, an order concerning child support, and contributions and their earnings that constitute an excess contribution within the meaning of Section 4973)

R.I. Gen. Laws § 9-26-4(12) (ERISA plans, extended to the operation of the federal Bankruptcy Code as permitted by 11 U.S.C. § 522(d)(10)(E))

### South Carolina

S.C. Code § 15-41-30(A)(13) (individual retirement accounts as described in Sections 408(a) and 408A, annuities under 408(b) and trust accounts under 408(c); a claimed exemption may be reduced or eliminated by the amount of a fraudulent conveyance into the account; the exemption is available whether the individual holds as participant, beneficiary, contingent annuitant, alternate payee or otherwise; the statute nowhere mentions an inherited IRA, a decedent or Section 408(d)(3))

S.C. Code § 15-41-30(B) (the biennial CPI sweep of items (1) through (14); item (13) states no dollar amount)

### South Dakota

S.D. Codified Laws § 43-45-16 ($1,000,000 which the debtor must select and designate, subject to the right of the State of South Dakota and its political subdivisions to collect amounts owed to them, and permitting payment under a qualified domestic relations order)

S.D. Codified Laws § 43-45-17 (employee benefit plan defined by Internal Revenue Code Sections 401, 403(a), 403(b), 408, 408A, 409, 414, 457 and 501)

S.D. Codified Laws § 43-45-18 (a South Dakota court may reduce the amount if it finds $1,000,000 excessive under the state constitution)

### Tennessee

Tenn. Code § 26-2-105(b)-(c) (uncapped exemption naming Roth IRAs, exempt from any and all claims of creditors except the state; no exemption against a QDRO alternate payee; plan records exempt from subpoena)

Tenn. Pub. Ch. 931 (2016), eff. July 1, 2016, and Tenn. Pub. Ch. 962 (2016), § 2, as published by the Tennessee Secretary of State (the two amendments behind the printed language)

### Texas

Tex. Prop. Code § 42.0021(a)(4)-(5) (inherited individual retirement accounts and inherited Roth IRAs both expressly protected), (b) (a distribution stays exempt for 60 days, and indefinitely if rolled over), (e); uncapped

Tex. H.B. 2779, 86th Leg., R.S. (2019), enrolled text (the act that inserted the inherited-IRA and inherited-Roth language)

### Utah

Utah Code § 78B-5-505(1)(a)(xiv) (accounts under Sections 408 and 408A, uncapped, with inherited accounts protected no matter when the account was created)

Utah Code § 78B-5-505(1)(b)-(c) (contributions in the year before a bankruptcy filing not exempt, except direct rollovers of already exempt funds; QDRO carve-out at (1)(c)(i)(A)), (4)(a) (a civil restitution judgment for contempt)

### Vermont

Vt. Stat. tit. 12, § 2740(16) (self-directed retirement accounts and plans qualified under Internal Revenue Code Sections 401, 403, 408, 408A and 457, but exempt, except for a Roth IRA, only to the extent contributions were deductible or excludable from federal income taxation when made; a Roth IRA is exempt only within the Section 408A contribution limits; contributions made within one calendar year of a bankruptcy filing not exempt; $5,000.00 against attachment by the Office of Child Support)

Vt. Stat. tit. 15, § 799 (the Office of Child Support attachment the $5,000 limit answers to)

### Virginia

Va. Code § 34-34(A) (definition of retirement plan, which reaches Section 408A), (B) (the plan is exempt to the same extent permitted under federal bankruptcy law for such a plan, so Virginia sets no figure of its own)

Va. Code § 34-34(C) (the individual's own alternate payee, court process for child or child and spousal support, and the Commonwealth in Title 63.2, ch. 19 administrative actions), (D) (a married couple sued on the same marital debt shares one cap), (E) (timing)

11 U.S.C. §§ 522(d)(12), (n) (the borrowed federal cap of $1,711,975, effective April 1, 2025, outside which employer-plan rollovers and Section 408(k) SEPs and 408(p) SIMPLEs sit)

### Washington

Wash. Rev. Code § 6.15.020(3) (rights accruing under any employee benefit plan exempt from execution, attachment, garnishment or seizure by or under any legal process whatever), (4) (accounts described in Sections 408 and 408A), (5) (any such plan deemed a spendthrift trust regardless of the source of funds or the debtor's ability to withdraw or borrow)

Wash. Rev. Code § 6.15.020(3), (5) carve-outs (child support collection actions under chs. 26.18, 26.23 and 74.20A RCW; payments under a qualified domestic relations order; for plans described in 26 U.S.C. §§ 403(b), 408 and 409, any court order providing for maintenance or support; and collection actions for taxes imposed under Title 82A RCW)

2026 Wash. Sess. Laws ch. 238, § 804 (the amendment adding the Title 82A RCW income-tax carve-out, carried in both published versions of the section)

## West Virginia

W. Va. Code § 38-8-1(a)(5) (the non-bankruptcy exemption for a payment under a stock bonus, pension, profit sharing, annuity or similar plan or contract, uncapped and outside the § 38-8-1(b) $15,000 aggregate personal-property cap; it cites no qualification section, only Sections 4973 and 4979)

W. Va. Code § 38-10-4(i)(5) (the bankruptcy schedule, whose 401(a), 403(a), 403(b), 408 and 409 list is a disqualifier list; Section 408A appears in neither schedule)

W. Va. Code § 38-10-4(k) (2023) (an individual debtor domiciled in West Virginia may instead exempt the property specified under 11 U.S.C. § 522(d), which names Section 408A and carries the § 522(n) cap of $1,711,975)

## Wisconsin

Wis. Stat. § 815.18(3)(j)1., 2.a. (individual retirement account and individual retirement annuity, described generically and requiring only Internal Revenue Code compliance; uncapped, and Section 408A is not cited, so no negative implication arises)

Wis. Stat. § 815.18(3)(j)4., 6.b.-c. (assets under or traceable to an owner-dominated plan, one 90 percent or more for the benefit of owner-employees, exempt for an owner-employee only to the extent reasonably necessary for support)

Wis. Stat. § 815.18(3)(j)5. (child support, family support or maintenance payments, and a judgment of annulment, divorce or legal separation)

## Wyoming

Wyo. Stat. § 1-20-110(a)(iii), (a)(v) (the exemption for an inherited interest), (b) (contributions within 90 days before a bankruptcy filing not exempt), (c) (QDRO carve-out), (d)(vi) (Sections 408 and 408A both named)

Wyo. Stat. § 1-20-110(d)(ii) (beneficiary includes a person, trust or trustee)

## Federal law

11 U.S.C. § 522(n) (the $1,711,975 ceiling on assets in individual retirement accounts described in Section 408 or 408A, other than a simplified employee pension under Section 408(k) or a simple retirement account under Section 408(p), and without regard to amounts attributable to rollover contributions under Sections 402(c), 402(e)(6), 403(a)(4), 403(a)(5) and 403(b)(8) and earnings on them; the amount may be increased if the interests of justice so require)

11 U.S.C. § 104 (the triennial adjustment mechanism); 90 Fed. Reg. 8941 (Feb. 4, 2025), corrected at 90 Fed. Reg. 10643 (Feb. 25, 2025) (the adjustment of $1,512,350 to $1,711,975, effective April 1, 2025; next adjustment April 1, 2028)

11 U.S.C. § 522(b)(3)(A) (the state-exemption route), § 522(b)(3)(C) and § 522(d)(12) (the federal retirement-funds exemptions), § 541(c)(2) (exclusion of a beneficial interest subject to an enforceable transfer restriction)

Clark v. Rameker, 573 U.S. 122 (2014) (an inherited IRA does not hold retirement funds within the meaning of the federal exemption; the alternative tax-exemption ground was reserved)

26 U.S.C. § 408(d)(6) (the transfer of an IRA interest to a spouse or former spouse under a divorce or separation instrument is not a taxable transfer and the interest is thereafter treated as that spouse's IRA); 26 U.S.C. § 414(p) (which does not apply to a plan to which Section 401(a)(13) does not apply)

29 U.S.C. § 1056(d)(2)-(4) (the exceptions ERISA itself writes into its anti-alienation rule)

18 U.S.C. § 3613(a), (c) (a criminal restitution lien reaches all property and rights to property, subject only to the exemptions imported from I.R.C. § 6334(a), and has the reach of a federal tax lien); I.R.C. § 6334(a), (c) (no property is exempt from levy other than the property specifically made exempt)

The full chart and its analysis are on alperlaw.com.