
Is opt out limited to residents or domiciliaries of the state? Not specified. Va. Code Ann. § 34-3.1: “No individual may exempt from the property of the estate in any bankruptcy proceeding the property specified in [§ 522(d)], except as may otherwise be expressly permitted under this title.”

Do state’s exemptions have extraterritorial application?

Homestead: Yes. Va. Code Ann. § 34-6 sets out the procedure for declaring a homestead for real estate located outside the state. See also In re McWilliams, 296 B.R. 424 (Bankr. E.D. Va. 2002) (debtor’s claim of Virginia homestead exemption in North Carolina property denied because debtor failed to file homestead deed in both county in which he resided and county in which property was located as required by Virginia law).

Personal property: Uncertain.


Amount: Greater of 75% or 40 times federal minimum wage is exempt. Va. Code Ann. § 34-29(a). Wages of minor fully exempt as to debts of parents. Va. Code Ann. § 34-33. Debtors with a gross household income [defined] of $1750/month or less, who support dependent children, may exempt an additional $34/week for one child, $52/week for two, or $66/week for three or more children. Va. Code Ann. § 34-4.2. “Homestead exemption,” which covers real and personal property, may be used to recover garnished wages. Declaration should be filed after garnishment summons served on employer and before return date of summons. Va. Code Ann. § 34-17(B).

Survival after payment/deposit: Not specified in exemption statute.


Amount: $5000 in any property plus $500 for each dependent; $10,000 if debtor is age 65 or over (Va. Code Ann. § 34-4), profits derived from homestead property are exempt (Va. Code Ann. § 34-18); exemption subject to certain liens. Additional $10,000 in real or personal property for certain disabled veterans. Va. Code Ann. § 34-4.1.


Special provisions: None specified.


Public benefits: Tax refunds attributable to federal earned income credit, child tax credit, or additional child tax credit. Va. Code Ann. § 34-26(9). See also Va. Code Ann. § 63.2-506 (public assistance exempt).


Alimony, child support: Unpaid spousal or child support, and the right to receive spousal or child support to the extent reasonably needed for support of debtor and dependents. Va. Code Ann. §§ 34-26(9), 34-28.2.

Tax refunds: Tax refunds attributable to federal earned income credit, child tax credit, or additional child tax credit. Va. Code Ann. § 34-26(9).

Survival after payment or deposit: Not specified in exemption statute.

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