6-29/108.75 Bench Warrant (Civil)

A civil bench warrant for the debtor's arrest following the failure of the debtor to appear at a judgment debtor examination may or may not be stayed, depending on whether the court is exercising its police power (contempt of court). Bankruptcy stays the debtor examination but 11 USC 362(b)(4) excludes from the automatic stay "the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory powers." Case law generally recognizes the court's contempt power to uphold the dignity of the court as an exception to the automatic stay. Consequently, the debtor may be arrested for contempt, but not subjected to a debtor examination.