

Chapter 13 Discharges (Post Reform Cases)

Overview

An Administrative Order Adopting Procedures for Closing Completed Cases in a Chapter 13 has been entered for cases filed on or after October 17, 2005. Two new Local Forms are required to be used along with several new deadlines and flags. An explanation of this procedure follows along with steps required for the Trustee, Debtor(s) Attorney and Court to follow.

A Ch. 13 case seeking a discharge that was filed on or after October 17, 2005 has additional disclosure requirements pursuant to BAPCPA and the Court's Administrative Order Adopting Procedures for Closing Completed Cases. The Trustee assigned to the Ch. 13 case will file with the Court a Report of Completion of Plan Payments once the final plan payment is received. The debtor is required to file within 60-days a Motion for Entry of Discharge and Certification Regarding Plan Completion with Notice of Opportunity for Hearing (**Local Form 8**). If applicable, the debtor is also obligated to file directly with the Trustee a Disclosure of Information Regarding Domestic Support Obligations (**Local Form 9**). Unless an objection is filed in a timely manner, and provided the debtor is otherwise entitled, the Court will enter a discharge.

If the debtor seeks a hardship discharge pursuant to 11 U.S.C. §1328(b), the debtor's motion shall include certifications regarding the status of Domestic Support Obligations and that the debtor is not disqualified by the provisions of 11 U.S.C. § 1328(h) from receiving a discharge. The Trustee will not file a Report of Completion of Plan Payments.

The Trustee will file a Final Report and Account certifying that the case has been fully administered as soon as possible after the final distribution has been made and the checks are finalized. This report will request release from liability and bond on the case. The Court will enter a final decree closing the case. If the above Debtor Certification is incomplete or the debtor has failed to comply with the requirements to receive a discharge, the Court will enter a Notice of Case Closed Without Discharge and Final Decree.

The following procedures are to be followed regarding Post Reform Ch. 13 cases only. Cases filed prior to October 17, 2005 should continue to be processed following the standing discharge and closing procedures.

Procedure - Chapter 13 Trustee

The Trustee will file with the Court a Chapter 13 Trustee's Report of Completion of Plan Payments in all Ch. 13 cases filed post reform. The Report will include an Instructions page directed to the Debtor and the Attorney for the Debtor giving specific procedures to follow to enable a discharge to occur if applicable.

STEP 1

Trustee docket report.

Event Location: Bankruptcy/Trustee/Bankruptcy Admin. category.

- Enter Case number. Click next.
- Select: **Report of Completion of Plan Payments** (See Fig. 1)

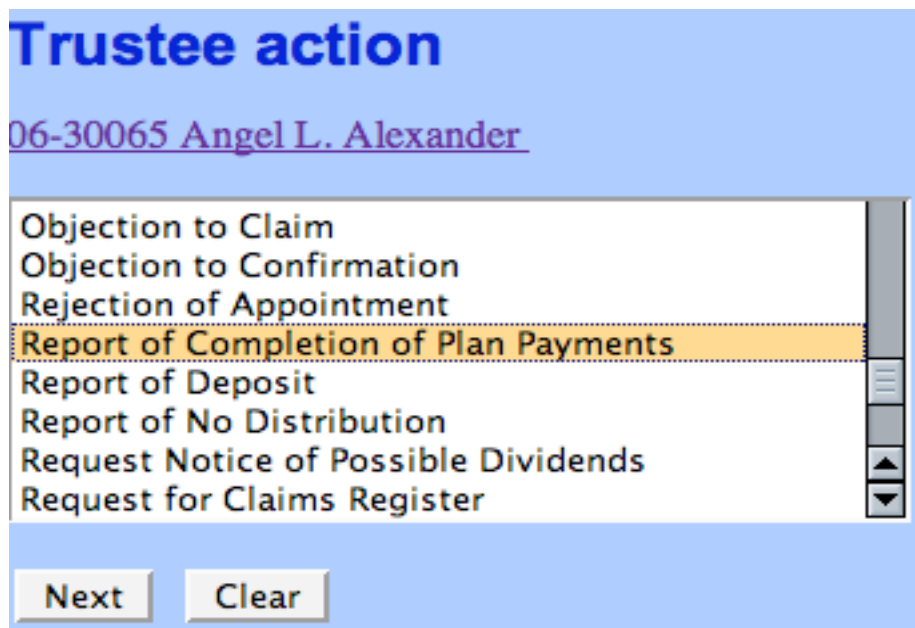


Figure 1

- Click next.
- Browse and attach PDF document of Report.
- Click next.

The event will calculate and set a 60-day deadline for the filing of the Motion for Entry of Discharge and Debtor Certification by the debtor or debtor attorney.

- Click next.

The docket text will display.

- Click next. The Final Docket Text will display for final entry. (See Fig. 2)
- Click next.

Docket Text: Final Text

Chapter 13 Trustee's Report of Completion of Plan Payments. Served on Debtor(s), Debtor(s) Attorney. (rkf,)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Figure 2

The Notice of Electronic Filing will display.

- **The trustee is required to serve a copy of the Report on the debtor(s) and the debtor(s) attorney.**

Once the case is completed, the trustee will file the Final Report and Account.

Event Location: Bankruptcy/Trustee/Bankruptcy Administrator

Event name: Final Report and Account

The trustee should leave the selection field blank if the case was filed post reform, after 10/16/05 and a Trustee's Notice of Plan Completion has previously been filed. If the case was pre-reform, select the applicable status to go with the Final Report and Account. (& Motion for Discharge, after Dismissal or Hardship Discharge or after Conversion)

Check the box by Certificate of Service Attached if applicable.

The final text for a Final Report and Account for Post Reform cases should read:

Docket Text: Final Text

Trustee's Final Report and Account w/Certificate of Service.

The Court will proceed to docket the Final Decree and close the case at this time.