

ATTORNEY INSTRUCTIONS RE CHAPTER 13 CASES

Applicable Federal Code Changes:

11 U.S.C. § 1307(c)(11) and (e)
11 U.S.C. § 1308(a) and (b)
11 U.S.C. § 1324 (a) and (b)
11 U.S.C. § 1325 (a) and (b)
11 U.S.C. § 1328 (a)(4), (f)(1)&(2), (g)(1) and (h)

New and Amended Local Rules

LBR 3015-3(c)(1) (amended)	Scope of Confirmation Hearing
LBR 3015-3(f) (amended)	Completion of Plan
LBR 4004-1 (new)	Requirements of Discharge

New and Amended Local Forms

Local Bankr. Form W (Chapter 13 Plan)
Local Bankr. Form W1 (Chapter 13 Plan and Applicable Motions)
Local Bankr. Form W2 (Amended Chapter 13 Plan and Applicable Motions)
Local Bankr. Form X (Order Confirming Chapter 13 Plan)
Local Bankr. Form V (CH 13 Agreement between Debtor and Counsel)

If Debtor owes domestic support obligations, at the trustee's request (to be made approximately sixty (60)days or before the last payment is due under the plan), debtor must certify **to the CH 13 Trustee** that all domestic support obligations are current. (See 11 U.S.C. Section 1328(a)).

Summary of New Filing Requirements:

****See also separate Instructions for New Filing Requirements, Means Test, Credit Counseling Certificate, Tax Returns and Financial Management Course****

1. Statement of Current Monthly Income and Disposable Income Calculation (Form 22C) - due at filing or within 14 days thereafter
2. 60 days' worth of Payment Advices (pay stubs) - due at filing or within 14 days thereafter
3. Certificate of Credit Counseling - due at filing or within 7 days thereafter

4. Notice to Debtor by Non-Attorney BK Petition Preparer (Form 19B)(if applicable)

5. Tax Returns
 - Pre-petition** (copies or transcript of) to CH 13 TRUSTEE - due no later than 7 days prior to the date set for 341 Meeting.
 - Post-Petition** (copies or transcript of) to Court upon request ONLY. (Filer must redact all personal identifiers - see LBR 9037-1)

6. Proof that Domestic Support Obligations are current, if applicable, furnished to the Ch 13 TRUSTEE:
 - (1) prior to confirmation and
 - (2) prior to discharge being entered

7. Financial Management Course (Official Form 23) – Due on or before the date of the last payment under the plan

Repeat Filings

Under the new law, a Chapter 13 debtor may not receive a discharge if he/she has received a discharge in a previous chapter 13 case filed within the last two (2) years or in any other chapter filed during the past four (4) years. (The relevant look back period is: **date of prior case filing where a discharge was granted** from the **date of the current order for relief**). See 11 U.S.C. Section 1328 (f)(1)&(2).

Where a debtor files a new Chapter 13 case within these restrictions, the Court will issue a Notice of Ineligibility to Receive Discharge and no discharge will be granted in the case.