

How are Domestic Support Obligations going to work?

- PREconfirmation
- POSTconfirmation
- At Discharge or Closing

The Change

(§1302(b)(6) and (d)(1))

Trustee's *Preconfirmation* Duties:

- Provide written notice to the Claim Holder of:
 1. **Right to Use State Child Support Enforcement Agency for collecting child support.**
 2. **State Child Support Enforcement Agency Address and Telephone Number;**
- Provide written notice to State Child Support Enforcement Agency of claim and name, address and telephone number of Claim Holder



How are Domestic Support Obligations (DSO) going to work?

- PREconfirmation
- POSTconfirmation
- At Discharge or Closing

The Change

(§1325(a)(8), 507(a)(1)(A),(B) and (C)
and proposed Revisions to Local Rules)



Debtor's PREconfirmation and POSTconfirmation Duties:

- DSO's should be treated in the plan as the highest priority
- Provide Evidence of all DSO payments Due Post-Petition
- Notify the Trustee if the DSO claim has been transferred or assigned to another entity.

How are Domestic Support Obligations going to work?

- PREconfirmation
- POSTconfirmation
- At **Discharge** or **Closing**

The Change

(§1302(b)(6) and (d))



Trustee's CLOSING Duties:

Provide written notice to Claim Holder and State Child Support Enforcement Agency of:

- Granting of Discharge;
- Last known Address of the Debtor;
- Last recent known name and address of the Debtor's Employer;
- The Name of each Creditor that holds a claim that was not discharged or was reaffirmed.

How are Domestic Support Obligations going to work?

- PREconfirmation
- POSTconfirmation
- At Discharge or Closing



The Change

(§1302(b)(6) and (d))

Debtor's PRECONFIRMATION Duties:

Pay all amounts that are required to be paid under the DSO.

Debtor's CLOSING Duties:

Provide certification that the Debtor has paid all amounts payable that are due on or before date of certification, unless discharge waiver.

How are Domestic Support Obligations (DSO) going to work?

- PREconfirmation
- POSTconfirmation
- At Discharge or Closing

Chapter 13 Trustee's Position

Within 10 days of the filing date, the Debtor should provide the Chapter 13 Trustee with the Claim Holder's information

- *Name*
- *Current Address*
- *Current Telephone Number*
- *Applicable State Court Case Number or Account Number*

*** No Evidence of Preconfirmation DSO Payments = Case Dismissed or Converted.



How are Domestic Support Obligations going to work?

- PREconfirmation
- POSTconfirmation
- At Discharge or Closing

PROPOSED REVISIONS TO LBR 3015-1 "PLAN PAYMENTS TO TRUSTEE:

LBR 3015-1(f) should be amended from "Spousal and Child Support" to "Domestic Support Obligations" to conform with the language in the new Code.

LBR 3015-1(b) should be amended to add subparagraph (5) as follows:
"Domestic Support Obligation. In all cases in which there is a claim for a domestic support obligation regardless of the entity holding such claim, within 10 days of the date of filing the petition, the Debtor shall provide to the Chapter 13 Trustee the name, current address and current telephone number of the holder of the claim, along with any applicable state court case number and account number. The debtor has an affirmative duty to inform the trustee if the name, address or telephone number of the entity holding such claim is changed while the case is pending.