General Overview of Chapter 13 Bankruptcy Process*

CHANGE IN DEBTOR'S CIRCUMSTANCES -Modification: at any time during the duration of **CHAPTER 13 PLAN** the plan, the debtor, trustee, or holder of unse--Plan must be filed within 14 days after **DEBTOR'S EDUCATION COURSE** cured claim may request to modify plan, §1329. order for relief, unless extended for See LBR 3015-2(F). Under the CARES Act, debt--After filing the petition, debtor cause, §1321, Rule 3015(b), LBR 3015must complete a personal finanors with a confirmed plan may modify the plan cial management course, §1328 based on a material financial hardship caused by -Notice: must provide a minimum of 28 (g), Rule 1007(b)(7). the COVID-19 pandemic, including extending their days' notice of the hearing on confirma--Deadline: must file a Certificaplan payments up to 7 years after the first payment tion of the plan, Rule 2002(b). under the original confirmed plan was due, H.R. tion of Completion within 60 days -Objection: parties in interest may file 748, 116th Cong. §1113 (2020). after first date set for §341 Meetobjections to confirmation no later than -Suspension: debtors who have been adversely ing, unless enlarged by Court, 7 days before the confirmation hearing, impacted by the COVID-19 pandemic may tempo-Rule 1007(c). PETITION §1324, Rule 3015(f), LBR 3015-2(E). rarily suspend plan payments with the trustee's -Debtor submits required pa--Payments: debtor commences proconsent. See Standing Order 20-12. perwork. Deadline to file posed payments within 30 days after order for relief or filing of the plan, schedules and statements is 14 days (3 days for creditor whichever is earlier, §1326(a)(1)(A), MEETING OF CREDITORS matrix) after order for relief. LBR 3070-1(C). Trustee retains these **CONFIRMATION HEARING** -Debtor must attend Rule 1007, LBR 1007-1. See payments until plan is confirmed, upon -If **no objection** has been filed and the PLAN CONFIRMED §341 Meeting. See generally Standing Order 20which trustee distributes payments in Order Confirming Plan vests property plan meets applicable statutory standards, generally Standing Or-9; Standing Order 20-10; accord with plan as soon as practicable, Court may confirm plan without a hearing. of the estate in the debtor, and binds **CREDIT COUNSELING** der 20-14. Standing Order 20-19. §1326(a)(2); but see §1326(a)(1)(B),(C); See §1325, LBR 3015-2(G). the debtor and all creditors, §1327. Must obtain within 180 -Debtor must provide to -Filing fee is required at the LBR 3070-1(D), (E). days before filing the the trustee a copy of time of filing, unless applica--**Duration**: 3-to-5 years for debtors with petition, §109(h)(1). -If a timely filed **objection** remains unremost recent tax return tion to pay in installments, below-median income, §§1322(d)(2), solved, Court holds a hearing and rules on See LBR 1007-1(I). 7 days before §341 Rule 1006(b)(1), is filed and 1325(b)(4)(A)(i); and not less than 5 the objection. Meeting, §521(e)(2). PLAN CONFIRMATION DENIED years for debtors with above-median granted. But see Standing Debtor submits modified plan, §1323, Order 20-13; Standing Order income, §§1322(d)(1), 1325(b)(4)(A)(ii); -For Norfolk & Newport News Divisions. converts case, §1307(a), or seeks reunless unsecured claims are paid in full Court holds a hearing even if no objecconsideration. See LBR 3015-2(H)(2). within a shorter period, §1325(b)(4)(B). tions have been filed. LBR 3015-2(G). **COMPLETION OF PLAN PAYMENTS** DISCHARGE -Debtor must complete all payments **OBJECTIONS TO EXEMPTIONS ALLOWANCE OF CLAIMS** -After debtor completes payments, under the plan, including domestic FINAL REPORT AND ACCOUNT CLOSING OF CASE -Deadline: within 30 days after the Court grants discharge subject -Deadlines for filing Proofs of support obligations, if applicable. Trustee reports all receipts After estate is fully administo any exceptions determined under conclusion of §341 Meeting or Claim and objection to claims §1328(a), Rule 3002.1, In re Evans, trated. Court enters order disand disbursements, and files within 30 days after any amend-§1328(a). are set in the Notice of Meeting 543 B.R. 213 (Bankr. E.D. Va. 2016), charging trustee and closing with Court and U.S. trustee. ment to schedules, whichever is of Creditors, Rule 3002, 3007. -Deadline for objection to disaff'd, 564 B.R. 513 (E.D. Va. 2017). case, §350(a), Rule 5009(a). §1302(b)(1), Rule 5009(a). See Standing Order 15-4; LBR charge under §1328(f): 60 days later, Rule 4003(b). But see Under the CARES Act, qualifying 3007-1. after first date set for §341 Meeting, Standing Order 20-11. debtors experiencing a financial Rule 4004(a). hardship due to the COVID-19 pandemic may request a forbearance on REOPENING OF CASE their mortgages, H.R. 748, 116th Cases may be reopened on Cong. §§4022, 4023 (2020). motion for cause, §350(b), -Once debtor makes all plan pay-Rule 5010. ments, trustee files Report of Completion of Plan Payments.

- ♦ § = Section of U.S. Code Title 11
- ♦ LBR = Local Bankruptcy Rule
- ◆ Rule = Federal Rule of Bankruptcy Procedure