

Bankruptcy EDVA Temporary Emergency Procedures

[Coronavirus \(COVID-19\) Court Operations and Information Page](#)

341 meetings

All hearings to be conducted telephonically in accordance with procedures developed by the U.S. Trustee.

Reference: [Amended Standing Order 20-5-A entered March 17, 2020](#)
[Standing Order 20-14 entered April 2, 2020](#)

Original signatures on documents

Requirement suspended. Counsel may either (i) obtain client's digital signature through signature authentication software; or (ii) obtain written consent from client (i.e., via email) to affix client's electronic signature.

Reference: [Standing Order 20-6 entered March 17, 2020](#)

Pro se filing procedures

Unrepresented individuals may file documents (i) by mail, (ii) by lock box at the courthouses, or (iii) electronically by e-mail.

Reference: [Standing Order 20-9 entered March 27, 2020](#)

Access to public areas of the Clerk's offices

Closed until further notice.

Reference: [Standing Order 20-10 entered March 27, 2020](#)

Homestead exemption filing procedures

Homestead exemption deemed timely perfected under Va. Code § 34-17 by claiming the exemption on schedule C and thereafter filing in the appropriate county or city before June 30 or within 5 days after the 341 meeting, whichever is later.

Reference: [Standing Order 20-11 entered March 27, 2020](#)

Filing deadlines

Almost all deadlines originally set to fall on April 1, 2020, through and including April 10, 2020, are extended to April 17, 2020.

Reference: [Standing Order 20-12 entered March 31, 2020](#)

Filing deadlines continued

Standing Order 20-12 does not apply to chapter 11 cases and related adversary proceedings filed in Richmond.

Reference: [Richmond General Order 20-3 entered March 31, 2020](#)

Other deadlines were modified by [Standing Order 20-7 entered March 18, 2020](#) but that order does not apply to Richmond cases, [Richmond General Order 20-2](#).

Chapter 13 plan payment deadlines

Chapter 13 debtors may suspend plan payments for up to 3 months.

Reference: [Standing Order 20-12 entered March 31, 2020](#)

Deadlines for payment of petition filing fees in consumer chapter 7 & 13 cases

Any petition filing fee (or installment payment) originally due between April 1, 2020, and May 31, 2020, is extended 6 weeks.

Installment payments for cases filed between April 1, 2020, and May 31, 2020, are extended: first payment due 10 weeks after the petition date, second payment due 15 weeks after the petition date, and third payment due 20 weeks after the petition date.

Reference: [Standing Order 20-13 entered March 31, 2020](#)

Prohibition on audio/visual publication of court proceedings

Broadcasting, televising, recording, or photographing of any bankruptcy court proceeding is prohibited.

Reference: [Standing Order 20-15 entered April 9, 2020](#)

Division-specific procedures

Richmond Protocol Procedures

1. All filing deadlines after April 10, 2020 remain in effect.
2. All hearings conducted by phone via CourtSolutions.
 - a. *Instructions for telephonic appearances in Richmond available [here](#).*
3. Use of negative notice procedures encouraged.
4. Evidentiary hearings must be scheduled with court.
5. Generally, no hearings conducted on following matters:
 - a. Reaffirmation Agreements
 - b. Motions to extend/impose stay
 - c. Loan Modifications
 - d. Fee Applications
 - e. Consent motions to continue/extend deadlines

Division-specific procedures continued

- f. Pre-trial conferences
- g. Relief from stay and co-debtor stay

Reference: [Richmond General Order 20-2 entered March 17, 2020](#)

Effectiveness extended through May 31, 2020

Reference: [Richmond General Order 20-4 entered April 29, 2020](#)

Alexandria Protocol Procedures

Reference: [Standing Order entered March 16, 2020](#)

Norfolk-Newport News Protocol Procedures

Effective March 19, 2020 through April 30, 2020

Reference: [Norfolk-Newport News Standing Order 20-1 entered March 19, 2020](#)

For hearings scheduled on or after May 1, 2020 through June 10, 2020

Reference: [Norfolk-Newport News Standing Order 20-2 entered April 28, 2020](#)

CARES Act changes to the Bankruptcy Code

Section 1113(a)(1) of the CARES Act increases the debt limit for Subchapter V small business cases from \$2,725,625 to \$7.5 million. The increased debt limit applies to cases filed after the enactment of the CARES Act (§ 1113(a)(3)) and is valid for one year after the CARES Act becomes effective (§ 1113(a)(5)).

Reference: [CARES Act, Pub. Law. No. 116-136, § 1113 \(2020\)](#)

Interim Rule 1020, included in Exhibit 12 to the Local Bankruptcy Rules, has been amended to be consistent with Section 1113(a)(1) of the CARES Act.

Reference: [Standing Order 20-16 entered April 22, 2020](#)

The CARES Act also provides temporary changes to pending Chapter 7 and Chapter 13 cases:

- “Current monthly income” under § 101(10A)(B)(ii) of the Bankruptcy Code excludes coronavirus-related payments from the federal government. (§ 1113(b)(1)(A)).
- “Disposable income” under § 1325(b)(2) of the Bankruptcy Code excludes coronavirus-related payments (§ 1113(b)(1)(B)).
- Chapter 13 debtors who have already confirmed a plan can modify the plan based on a material financial hardship caused by the pandemic, including extending their payments for seven years after their initial plan payment was due (§ 1113(b)(1)(C)).

These changes will be applicable for one year from the effective date of the CARES Act.

Reference: [CARES Act, Pub. Law. No. 116-136, § 1113 \(2020\)](#)