

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

In re: )  
)  
AMENDED PROTOCOL FOR )  
SUSPENSION OF PLAN PAYMENTS )  
IN CHAPTER 13 CASES IN WHICH THE ) Standing Order 20-24  
DEBTOR IS REPRESENTED BY )  
COUNSEL AND HAS BEEN )  
ADVERSELY AFFECTED BY THE )  
COVID-19 PANDEMIC, )

ORDER ESTABLISHING AMENDED PROTOCOL FOR TEMPORARY SUSPENSION OF  
CHAPTER 13 PLAN PAYMENTS DUE TO COVID-19

On March 31, 2020, in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia, the Court entered Standing Order 20-12, enabling the temporary suspension of Chapter 13 plan payments for debtors affected by COVID-19. Standing Order 20-12 provides a protocol under which Chapter 13 debtors represented by counsel and negatively affected by COVID-19 can obtain Trustee permission to suspend plan payments for up to three (3) months. Recently released employment statistics for July 2020 reveal that Virginians are still suffering from COVID-19 related unemployment. In July 2020, the seasonally adjusted unemployment rate stood at 8.0 percent – over five percentage points higher than July 2019.<sup>1</sup> This dramatic increase in the unemployment rate reveals the sudden and significant negative impact of the COVID-19 pandemic on Virginia’s economy. Therefore, the Court finds that there remains good cause to continue facilitating the suspension of plan payments for Chapter 13 debtors who have been adversely affected by the COVID-19 pandemic.

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<sup>1</sup> Conrad Buckler, *Virginia’s Seasonally Adjusted Unemployment Rate Decreased to 8.0 Percent in July*, Virginia Emp. Comm’n (Aug. 21, 2020), <https://www.vec.virginia.gov/latest-release>.

Accordingly, it is hereby ORDERED that for cases filed under Chapter 13 of Title 11 where the debtor is represented by counsel and has been adversely impacted by the COVID-19 pandemic, the amended protocol adopted by all of the Chapter 13 Trustees in the Eastern District of Virginia and attached to this Order as Exhibit A (the "Amended Protocol") shall govern the suspension of payments to the Trustee under a Chapter 13 plan from the date of this Order and until further notice.

It is further ORDERED that the Amended Protocol supersedes the prior protocol implemented by Standing Order 20-12.

IT IS SO ORDERED.

**FOR THE COURT:**

  
FRANK J. SANTORO  
Chief United States Bankruptcy Judge

Dated: August <sup>31<sup>st</sup></sup> 2020

EXHIBIT A

AMENDED PROTOCOL FOR SUSPENSION OF PLAN PAYMENTS IN CHAPTER 13  
CASES IN WHICH THE DEBTOR IS REPRESENTED BY COUNSEL AND HAS BEEN  
ADVERSELY AFFECTED BY COVID-19 PANDEMIC

This Amended Protocol permits counsel for a Chapter 13 debtor who has been adversely impacted by the COVID-19 pandemic to file a Notice of Suspension of Plan Payments (the "Notice") with the Court to obtain a suspension of plan payments for up to a cumulative total of three (3) months. A Notice filed under this Amended Protocol must satisfy all of the following requirements:

- (1) Counsel has obtained the consent of the Chapter 13 Trustee prior to filing the Notice;  
and
- (2) The Notice contains all of the following:
  - a. A statement that the debtor requires a temporary suspension of plan payments due to adverse impacts of the COVID-19 pandemic on the debtor's financial condition;
  - b. The number of months for which payments will be suspended, which can be no greater than a cumulative total of three (3) months;
  - c. A statement that the debtor will resume plan payments following the suspension period, which payments will continue until all payments due under the plan are completed;<sup>1</sup> and
  - d. Endorsements by debtor's counsel and the Chapter 13 Trustee.

In appropriate circumstances, the Chapter 13 Trustee may consent to the filing of an additional Notice, but in no event shall a debtor be entitled to suspend more than a cumulative total of six (6) months pursuant to the terms of this Amended Protocol.

A Notice that complies with the above conditions is effective upon filing.

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<sup>1</sup> This Amended Protocol continues the suspension practice pursuant to the prior protocol, but in no case shall the term of a plan exceed a total of sixty (60) monthly payments, unless permitted by applicable law.