

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_ x  
In re: :  
DEBTOR'S CERTIFICATION :  
CONCERNING DOMESTIC SUPPORT :  
OBLIGATIONS IN A CHAPTER 12 OR :  
13 CASE :  
\_\_\_\_\_ x

General Order M-338

WHEREAS, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005,<sup>1</sup> as codified in 11 U.S.C. §§ 1228(a) and 1328(a), bars the Court from granting a discharge in a chapter 12 and 13 case of a debtor required by a judicial or administrative order, or by statute, to pay a domestic support obligation, unless such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (*including amounts due before the petition was filed, but only to the extent provided for by the plan*) have been paid; it is hereby

ORDERED, that the Standing Trustee, in all chapter 12 and 13 cases, should furnish debtors with the attached certification form: 1) within the 30 days prior to the time at which the last payment under the plan is due or 2) at the time the debtor files a motion to request a hardship discharge under 11 U.S.C. § 1228(b) or 1328(b); and it is further

ORDERED, that all chapter 12 and 13 debtors are required to complete and sign the attached certification form [*in a joint case, each joint debtor must complete and sign a separate certification form*] and return it to the Standing Trustee when submitting the check for the last payment under the plan or, if the debtor has filed a motion to request a hardship discharge, no later than the date of the hearing on the debtor's motion; and it is further

ORDERED, that, where the debtor's completed certification form indicates satisfaction of this certification requirement, the Standing Trustee should attach the debtor's completed certification form when electronically filing the *Notice of Request for a Discharge* or, in a case in which the debtor seeks a hardship discharge, should otherwise make it available on the docket of that case.

Dated: New York, New York  
August 24, 2007

/s/ Stuart M. Bernstein  
STUART M. BERNSTEIN  
Chief United States Bankruptcy Judge

<sup>1</sup> Pub. L. No. 109-8 (enacted on April 20, 2005 and effective on October 17, 2005 in cases filed on or after that date).

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

**DEBTOR'S CERTIFICATION REGARDING  
DOMESTIC SUPPORT OBLIGATIONS**

*As a condition to receiving a discharge, every individual debtor in a chapter 12 or 13 case must submit this certification to the Standing Trustee. In a joint case, each spouse must complete and file a separate certification. Complete one of the following statements and file this form within 7 days from the receipt of this form. Be sure to sign and date the completed form at the bottom where indicated.*

*NOTE: The Standing Trustee will not request the Court to issue a discharge in your case until you have filed a completed certification form that indicates you have satisfied this requirement.*

*Check  
Applicable  
Box:*

I, \_\_\_\_\_, the debtor in the above-referenced  
[Printed Name of Debtor]  
case, hereby certify that, as of the date of this certification, I am not required by a judicial or administrative order, or by statute, to pay a domestic support obligation.

I, \_\_\_\_\_, the debtor in the above-referenced  
[Printed Name of Debtor]  
case, hereby certify that, as of the date of this certification, I am required by a judicial or administrative order, or by statute, to pay a domestic support obligation, and all amounts payable under such order or statute that are due on or before the date of this certification (including amounts due before the petition was filed, but only to the extent provided by the plan) have been paid.

I, \_\_\_\_\_, the debtor in the above-referenced  
[Printed Name of Debtor]  
case, hereby certify that, as of the date of this certification, I am required by a judicial or administrative order, or by statute, to pay a domestic support obligation, but all amounts payable under such order or statute that are due on or before the date of this certification (including amounts due before the petition was filed, but only to the extent provided by the plan) have NOT been paid. [Instruction: If you have completed this third selection, you will not be able to receive a discharge UNTIL you have filed an amended form in which you certify that all amounts that are due on or before the date of the amended certification have been paid.]

Signature of Debtor: \_\_\_\_\_

Date: \_\_\_\_\_