

United States Bankruptcy Court
Southern District of New York

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In the Matter of

Technical Amendment to Local
Bankruptcy Rule 4004-2

General Order M-492

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WHEREAS, Local Bankruptcy Rule 4004-2 requires a technical amendment to conform to the renumbering of the Director's Procedural Form B2830, Debtor's Certification Regarding Domestic Support Obligations, effective December 1, 2015, it is hereby

ORDERED that Local Bankruptcy Rule 4004-2 shall be amended effective December 1, 2015, to read as follows:

**Rule 4004-2 DEBTOR'S CERTIFICATION CONCERNING DOMESTIC
SUPPORT OBLIGATIONS IN A CASE UNDER CHAPTER 12 OR
CHAPTER 13 –Amended December 1, 2015**

- (a) In a chapter 12 or chapter 13 case, within thirty (30) days before the date on which the last payment is due under the plan, or when the debtor files a motion to request a hardship discharge under section 1228(b) or section 1328(b) of the Bankruptcy Code, whichever is earlier, the Standing Trustee shall furnish the debtor with a Debtor's Certification Regarding Domestic Support Obligations, Director's Procedural Form B2830, which shall be available on the Court's website (<http://www.nysb.uscourts.gov/official-bankruptcy-forms>).
- (b) The debtor shall complete, sign, and return to the Standing Trustee the Debtor's Certification Regarding Domestic Support Obligations when submitting the check for the last payment under the chapter 12 or chapter 13 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. In a joint case, each debtor must complete and sign a separate Debtor's Certification Regarding Domestic Support Obligations.
- (c) The Standing Trustee shall attach the completed Debtor's Certification Regarding Domestic Support Obligations when electronically filing the Notice of Request for a Discharge or, in a case in which the debtor seeks a hardship discharge, shall otherwise make it available on the docket of that case.

Comment

This rule was added in 2013 to include in the Local Bankruptcy Rules the provisions established by General Order M-338, relating to the debtor's certifications regarding domestic support obligations. Though General Order M-338 provided that the Standing Trustee "should" furnish the debtor with the certification form, and "should" attach the completed form to the Notice of Request for a Discharge, this rule makes these provisions mandatory. General Order M-338 was abrogated and replaced by this local rule in 2013.

This rule was amended in 2015 to conform to the renumbering of the Director's Procedural Form B2830, effective December 1, 2015.

Dated: New York, New York
October 21, 2015

/s/ Cecelia G. Morris
Chief United States Bankruptcy Judge