United States Bankruptcy Court
Southern District of Mississippi

Amended Standing Order Adopting Procedures for Obtaining Discharge in Completed Chapter 13 Cases

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") requires certain disclosures and certifications to be made by the debtor before a discharge may be entered in cases commenced on or after October 17, 2005. This Standing Order establishes the standards and procedure whereby the debtor may comply with the disclosure requirements and obtain a discharge in chapter 13 cases. The requirements of this Standing Order must be met in order to receive a discharge from and after May 1, 2009. This Standing Order does not apply to cases commenced prior to October 17, 2005, nor does it apply in those cases where a discharge has been waived or denied.

1. Unless the debtor is not entitled to a discharge, the filing of the *Notice of Completion of Plan Payments* by the Chapter 13 Trustee will constitute notice that each debtor must file a *Debtor's Certification and Motion for Entry of Chapter 13 Discharge Pursuant to 11 U.S.C. §1328(a) and (h),* (the "Motion") (in substantially the same format as prescribed by the Clerk and made available on the Court's website). The Motion must be signed by the debtor(s) and the attorney of record and filed with the Court. A copy of the Motion must be served by the debtor(s) on all creditors and parties in interest included on the Court's mailing matrix within thirty (30) days of the filing date of the Chapter 13 Trustee's *Notice of Completion of Plan Payments.*
2. The Motion will include verifications by the debtor(s) regarding satisfaction of plan requirements, entitlement to a discharge, and the status of domestic support obligations ("Domestic Support Obligation" as defined at 11 U.S.C. §101(14A)). The Motion also will include verification that the debtor is not disqualified by the provisions of 11 U.S.C. §1328(h) from receiving a discharge.

3. If a response or objection to the Motion is not filed within twenty-one (21) days of the date of service as reflected on the Certificate of Service, and provided the debtor is otherwise entitled, the Court will enter a discharge order. Entry of the discharge order constitutes a finding that 11 U.S.C. §1328(h) has been satisfied and that there is no reasonable cause to believe that the entry of discharge should be delayed. If a response or objection is filed to the Motion, the matter will be set for hearing.
4. If the Motion is not timely filed by the debtor(s), the case may be closed without the entry of discharge.
5. If the debtor(s) is/are unable to certify as to the truth and correctness of the assertions on the form Motion but believe(s) that a discharge is warranted nevertheless, the debtor(s) should draft and file a motion for discharge explaining why the assertions in the form Motion cannot be certified and further explaining why a discharge should be granted.
6. In the event the debtor(s) seek(s) a hardship discharge pursuant to 11 U.S.C. §1328(b), the debtor's motion for hardship discharge shall include certification regarding the status of domestic support obligations (as defined at 11 U.S.C. §101(14A)) and that the debtor(s) is/are not disqualified by the provisions of 11 U.S.C. §1328(h) from receiving a discharge.

SO ORDERED. Effective: December 1, 2013.

Edward Ellington
United States Bankruptcy Judge

Neil P. Olack
United States Bankruptcy Judge

Katharine M. Samson
United States Bankruptcy Judge