

Motion for Hardship Discharge—Chapter 13

Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion for Hardship Discharge

Negative Notice: N/A

Fee: N/A

Code and Rule References

[11 U.S.C. § 523](#)

[11 U.S.C. § 1328\(b\)](#)

[11 U.S.C. § 1328\(g\)\(1\)](#)

[Fed. R. Bankr. P. 4004\(g\)](#)

[Fed. R. Bankr. P. 4007\(d\)](#)

Description

After confirmation of a Chapter 13 plan, circumstances may arise that prevent the debtor from completing the plan. In such situations, the debtor may ask the Court to grant a “hardship discharge.” Generally, such a discharge is available only if: (1) the debtor’s failure to complete plan payments is due to circumstances beyond the debtor’s control and through no fault of the debtor; (2) creditors have received at least as much as they would have received in a Chapter 7 liquidation case; and (3) modification of the plan is not possible.

Filing Checklist

Review the motion to determine if it:

- Is signed;
- Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Certificate of Completion of Personal Management Course was filed by the debtor or the requirement to file a Certificate of Completion of Personal Management Course was waived (or there is a motion pending to waive the requirement).