

## Motion to Retain Tax Refund—Chapter 13

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### **Docketing Event**

Bankruptcy> Motions/Applications/Objections> Motion to Retain Federal Tax Refund

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**Negative Notice:** N/A

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**Accompanying Orders:** N/A

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**Code and Rule References:**

[Administrative Order FLMB-2020-7](#)

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**Fee:** N/A

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**Applicable Chapters:** 13

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**Implemented:** 10/26/17

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**Last Revision:** 1/25/2021 9:43:06 AM

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### **Description**

Chapter 13 debtors are required to timely file tax returns during the pendency of their case. The debtor shall also turn over to the trustee all tax refunds besides regular plan payments.

Paragraph 18 of Administrative Order 2020-7 and many orders confirming plans authorize the Chapter 13 trustee to consent to the debtor's retention of tax refunds. If the trustee declines to consent, the debtor may file a motion with the court for authority to retain the refund. If a motion to retain a tax refund is filed, the Court will assume the trustee declined to consent and the Court will set the motion for hearing.

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### **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.

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### **Forms**

[Motion to Retain Tax Refund](#)

[Order Granting Motion to Retain Tax Refund](#)