

## Student Loan Management Program

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### **Docketing Event**

If filed by Debtor or Creditor, use:

- Bankruptcy > Notices > Notice of Participation in Student Loan Management (SLM)
- Bankruptcy > Notices > Notice of Resolution
- Bankruptcy > Notices > Notice of No Resolution

If filed by Trustee or U.S. Trustee, use:

- Bankruptcy > Trustee/U.S. Trustee > Notice of Participation in Student Loan Management (SLM)
  - Bankruptcy > Trustee/U.S. Trustee > Notice of Resolution
  - Bankruptcy > Trustee/U.S. Trustee > Notice of No Resolution
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**Negative Notice:** N/A

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**Accompanying Orders:** Yes, for applications related to student loan management

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**Code and Rule References:**

[Third Amended Administrative Order FLMB-2019-5](#)

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**Fee:** N/A

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**Applicable Chapters:** ALL

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**Implemented:** 10/1/2019

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**Last Revision:** 8/9/2020 10:41:25 AM

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### **Description**

To facilitate the resolution of student loan issues for the benefit of debtors and lenders for cases filed in the Middle District of Florida, Third Amended Administrative Order FLMB-2019-5 (the “Administrative Order”) prescribing procedures for a student loan management program for debtors and their student loan lenders was entered. This program will allow the parties to seek repayment options through a student loan management program (“SLM” or “SLM Program”). The Administrative Order has an effective date of October 1, 2019.

The Debtor, Creditor or Trustee may initiate the SLM at any time after the commencement of the case by filing a Notice of Participation in Student Loan Management Program (SLM) provided the filing fee has been paid, in full, and the filing party has completed the Document Preparation Software. After a Notice of Participation is filed, the Debtor, Creditor, and their attorneys (if any) must comply with the duties and deadlines provided in the Administrative Order. Upon conclusion of the mediation, one of two possible notices will be filed: (1) a Notice of Resolution (if the parties reach an agreement); or (2) a Notice of No Resolution (if the parties do not reach an agreement). If a Notice of Resolution is filed in a Chapter 13 case, within 30 days, the Debtor must amend the plan to provide for payment to the Creditor as a separate class under Non-Standard Provisions, or if the Chapter 13 plan is confirmed, the Debtor must file a motion to modify the plan to provide for payment to the Creditor as a separate class. The amended Chapter 13 plan or modification must provide for payment to the Creditor through the plan subject to any future changes required under the income-driven repayment plan. The Chapter 13 plan may not provide for the discharge of the student loan without further Court order.

Attorneys may request fees for assisting Debtors with SLM. Debtor's counsel may receive reasonable compensation for all work involved in the SLM process and may accept a "no look" as an administrative expense and as permitted in the Administrative Order. The Administrative Order also provides the minimum tasks an attorney must perform to receive the "no look" fee. Debtor's counsel may seek additional fees for *extraordinary* services provided during SLM by filing a separate application attaching contemporaneous time records.

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**Filing Checklist: Notice of Participation in Student Loan Management (SLM):**

Before filing the notice, ensure the:

- Filing fee has been paid, in full; and
- Document Preparation Software is completed.

Review the notice to determine if it:

- Contains the debtor and co-debtor name(s);
- Contains the name of the creditor holding the student loan(s);
- Is signed;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- Is properly served and includes a proper certificate of service.
  - ❖ **Note:** If the Notice is not served when the Notice is filed, then a proof of service is required.

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**Filing Checklist: Notice of Resolution – Student Loan Management (Due 14 days after completion of Student Loan Management (SLM) process)**

Review the notice to determine if it:

- Contains the debtor and co-debtor name(s);
- Contains the agreed upon dollar repayment amount;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- Is properly served and includes a proper certificate of service.

Within 30 days filing the Notice of Resolution in a Chapter 13 case:

- An amended plan providing payment to the Creditor as a separate class under Non-Standard Provisions, or if the Chapter 13 plan is confirmed, a motion to modify the plan providing payment to the Creditor as a separate class is filed;
- The amended plan or proposed modification pays the Creditor through the plan subject to any future changes required under the income-driven repayment plan; and
- The amended plan or proposed modification does not seek to discharge the student loan without further Court order.

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**Filing Checklist: Notice of No Resolution – Student Loan Management (Due 14 days after completion of Student Loan Management (SLM) process)**

Review the notice to determine if it:

- Contains the debtor and co-debtor name(s)
- Contains the name of the creditor holding the student loan(s);
- Includes the document number of the Notice of Participation in Student Loan Management Program;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF; and
- Is properly served and includes a proper certificate of service.

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**Forms**

[Notice of Participation in Student Loan Management Program](#)

[Notice of Resolution – Student Loan Management Program](#)

[Notice of No Resolution – Student Loan Management Program](#)