

Discharge—Chapter 13

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 1328](#)

[11 U.S.C. § 523](#)

[11 U.S.C. § 524](#)

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

[Fed. R. Bankr. P. 4006](#)

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

Fee: N/A

Applicable Chapters: 13

Implemented: 10/26/17

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Description

A discharge in bankruptcy relieves an individual debtor from personal liability on debts incurred before filing the bankruptcy petition with some exceptions. The Bankruptcy Code and Rules list requirements that must be met for the debtor to receive a discharge. The Bankruptcy Code also lists which debts are covered by a discharge.

When the Chapter 13 trustee files a Notice of Completion of Plan, the Court reviews the docket to determine if all requirements have been met to enter a discharge. In a joint case, if only one debtor meets the criteria, then only that debtor is eligible for a discharge.

There are some cases in which the Chapter 13 trustee may file a Notice of Completion of Plan and requests the Court *not* enter a discharge. For example, if a debtor has not filed his or her required domestic support certificate, the Chapter 13 trustee will request that no discharge is entered.

Requirements for a Chapter 13 discharge:

- Debtor is an individual;
- No pending or approved “Waiver of Discharge” is filed;
- No “Order Withholding Discharge” or “Notice of Ineligibility to Receive a Discharge” has been entered;
- A “Statement of Completion of Course in Personal Financial Management” has been filed or the requirement has been waived by the Court;
- If a Chapter 13 debtor dies and a Suggestion of Death is filed, the Court will not require the filing of the Certificate of Debtor Education Concerning Personal Financial Management before issuing a discharge.

A case may be closed by the clerk's office without a discharge if certain required documents are not timely filed. It is not necessary to file a motion to reopen the case in order to file the missing documents and receive a discharge. The most common document that a debtor fails to file is the Certification About a Financial Management Course (Official Form 423). In a joint case, each debtor must take the course and file a separate certification.

Related Forms

[Official Form B 423 – Certification About a Financial Management Course](#)