

**APPEARANCE OF CHILD SUPPORT CREDITOR OR REPRESENTATIVE****Applicable Law and Rules**

1. Section 304(g) of the Bankruptcy Reform Act of 1994 (Public Law No. 103-394) provides:

Child support creditors or their representatives shall be permitted to appear and intervene without charge, and without meeting any special local court rule requirement for attorney appearances, in any bankruptcy case or proceeding in any bankruptcy court or district court of the United States if such creditors or representatives file a form in such court that contains information detailing the child support debt, its status, and other characteristics.

2. Section 101(12A) of the Bankruptcy Code (title 11 of the United States Code) defines a "debt for child support" as "a debt of a kind specified in section 523(a)(5) of this title for maintenance or support of a child of the debtor."

3. Section 523(a)(5) of the Code excepts from discharge under sections 727, 1141, 1228(a), 1228(b), and 1328(b) any debt

to a spouse, former spouse, or child of the debtor, for alimony to, maintenance for, or support of such spouse or child, in connection with a separation agreement, divorce decree or other order of a court of record, determination made in accord with state or territorial law by a governmental unit, or property settlement agreement, but not to the extent that --

(A) such debt is assigned to another entity, voluntarily or by operation of law, or otherwise (other than debts assigned pursuant to section 402(a)(26) of the Social Security Act, or any such debt which has been assigned to the Federal Government or to a State or any political subdivision of such State); or

(B) such debt includes a liability designated as alimony, maintenance, or support, unless such liability is actually in the nature of alimony, maintenance, or support.

4. Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule provides that, if a child support creditor or its representative files the form required by section 304(g) of the Bankruptcy Reform Act of 1994, no fee is to be charged to the child support creditor or representative for filing a complaint commencing an adversary proceeding.
5. Item 21 of the Miscellaneous Fee Schedule provides that, if a child support creditor or its representative files the form required by section 304(g), no fee is to be charged to the child support creditor or representative for filing a motion to terminate, annul, modify, or condition the automatic stay, a motion to compel abandonment of property of the estate pursuant to Fed. R. Bankr. P. 6007(b), or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d).

### **Instructions**

#### **Caption**

1. Identify the Judicial District in which the bankruptcy case was filed. Example: Eastern District of California.
2. "In re": Insert the name of the debtor as it appears in the bankruptcy petition.
3. "Case No.": Insert the bankruptcy case number assigned by the court at the time of filing.

The instructions to the rest of the form are self-evident. Attach an itemized statement of account.

#### **General Information for the Clerk**

Form B 281 was issued to implement section 304(g) of the Bankruptcy Reform Act of 1994. The provision permits child support creditors or their representatives to appear and intervene without charge, and without meeting any special local court rule requirement for attorney appearances, in any bankruptcy case or proceeding if they file a form that contains information detailing the child support debt, its status, and other characteristics.