

Attachment 2

Guidelines for Notices of Domestic Support Obligations

- **First Notice:** Sections 704(a)(10) and (c), 1202(b)(6) and (c), and 1302(b)(6) and (d) require chapter 7, chapter 12, and chapter 13 trustees to provide written notices to domestic support obligation claim holders concerning their rights to payment in bankruptcy cases, their rights to use the collection services of their residence states' child support enforcement agencies, and contact information for such agencies. These sections also require the trustees to notify the state child support enforcement agencies established under sections 464 and 466 of the Social Security Act for the state in which the holder resides of claims and provide the agency the claim holders' contact information. While BAPCPA is silent on the timing of the notices, we expect that trustees will send them shortly after the § 341 meeting.
- **Second Notice:** Chapter 7, chapter 12, and chapter 13 trustees must send second notices to the claim holders and state child support enforcement agencies when discharges are granted. The notices must include the debtors' and their employers' last known addresses and the contact information for certain creditors whose claims were either reaffirmed or not discharged.
- Use of the attached sample notices is optional. Trustees may choose another format for the notices, so long as the notices contain the required information. In addition to the information required by BAPCPA, the State Child Support Enforcement Agencies have requested that the notice identify the debtor by name and social security number. The trustee should include the debtor's social security number on the notices going to the child enforcement agency. The debtor's social security number should not appear on the notices going to the holder of the domestic support obligation.
- For the first notice, trustees should attempt to obtain the required information from the bankruptcy schedules and Statement of Financial Affairs or from the debtor at the § 341 meeting. Further inquiries are not required. For example, trustees are not required to search the internet for a claim holder's telephone number. For the second notice, trustees should obtain the required information from the debtor, to the extent possible, and from the court docket.
- The addresses for the State Child Support Enforcement Agencies are posted on the Program's web site at: <http://www.usdoj.gov/ust/bapcpa/ds/index.htm> Please note that each state and territory has two addresses: one address for inclusion in the notice going to the domestic support obligation claimant and another address for receiving the trustee's notice to the state agency.
- There has been a question of whether the notices must be filed with the court. It is the opinion of the United States Trustee Program that nothing in BAPCPA requires filing notices of domestic support obligations with the court, and we are not requiring trustees to do so. If trustees are considering filing notices with the court, they must ensure that privacy concerns are addressed. For example, the first five digits of the debtor's social security number must be redacted on any notice filed with the court.