



January 18, 2007

To: CSE Staff  
County/Authorized Attorneys

From: Daryl Wusk, Administrator  
Office of Economic and Family Support  
Department of Health and Human Services

RE: Changes to Bankruptcy Laws Follow Up

In an April 10, 2006 memo titled "Changes to Bankruptcy Laws," the Department provided information on how the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), which became effective October 17, 2005, has impacted child support. This memo serves as a supplement and provides information on further guidance from the Office of Child Support Enforcement (OCSE).

Included with this memo is a website link to Action Transmittal AT-06-05 which provides some questions and answers that OCSE had received regarding the bankruptcy changes and additional documentation that was provided by the Department of Justice to OCSE. See <http://www.acf.hhs.gov/programs/cse/pol/AT/2006/at-06-05.htm> for more information.

Within Attachment 1, Answer 11 of the Transmittal, OCSE notes that "...If a debtor in bankruptcy has a child support obligation, a proof of claim should be filed to make sure that the bankruptcy trustee is aware of the claim regarding any available asset. A failure to file a proof of claim does not discharge debt, but makes it less likely that assets will be secured to satisfy a support obligation." The Department encourages a proof of claim to be filed in cases where there is an arrearage in order to secure available assets and have them applied to child support instead of being disbursed to other creditors.

If you have any questions please contact Brian Gaskill at 402-471-1400.