



U.S. Bankruptcy Court, District of Minnesota

**Rule 4004-1. Debtor's Certifications Regarding Domestic Support Obligations and 11 U.S.C. § 522(q)**

(a) LOCAL FORM 4004-1. A certification regarding domestic support obligations under 11 U.S.C. §§ 1228(a) or 1328(a), or a certification regarding 11 U.S.C. § 522(q) under 11 U.S.C. §§ 727(a)(12), 1141(d)(5)(C), 1228(f), or 1328(h) and Federal Rule of Bankruptcy Procedure 1007(b)(8), must:

(1) Conform to Local Form 4004-1; and

(2) In a chapter 7 case, be filed with the petition or within 14 days thereafter.

(b) MOTION FOR TIMELY ENTRY OF DISCHARGE. If the debtor indicates in Part III, Subpart B of Local Form 4004-1 that the debtor has claimed an exemption as described in 11 U.S.C. § 522(q)(1) and 11 U.S.C. § 522(q)(1)(A) or (B) may be applicable, the debtor must file and serve a motion requesting the timely entry of a discharge. In addition to complying with Local Rules 9013-1 and 9013-2, the debtor must give notice of the motion to all creditors.

[Effective April 15, 1997. Amended effective January 1, 2002; January 9, 2006; October 1, 2009. Subdivision (a) amended September 23, 2010, effective as to all individual chapter 11 cases filed on or after October 17, 2005, and in which an order of discharge had not been entered as of October 1, 2010. Amended effective September 3, 2025.]

**2025 Advisory Committee Notes**

Local Rule 4004-1 was retitled to better conform to the substance of the rule. Local Rule 4004-1 now only addresses certifications regarding domestic support obligations and 11 U.S.C. § 522(q). These certifications are required for a discharge. Amended subsection (a)(1) makes clear that such certifications must conform to Local Form 4004-1. Local Form 4004-1 was amended to add additional chapters besides chapters 12 and 13. Section 522(q) is at issue in chapter 7 cases and chapter 11 cases under 11 U.S.C. §§ 727(a)(12) and 1141(d)(5)(C), respectively. *See also* Fed. R. Bankr. P. 4004(c)(1)(I) ("In a Chapter 7 case, . . . the court must promptly grant the discharge—except [if] . . . a motion is pending to delay or postpone a discharge under § 727(a)(12)."). Thus, while chapter 7 is not mentioned in Fed. R. Bankr. P. 1007(b)(8), the local rule requires a certification because of 11 U.S.C. § 727(a)(12). Local Form 4004-1 was also amended to request additional information regarding the potential applicability of 11 U.S.C. § 522(q)(1)(A) or (B). *See also* Fed. R. Bankr. P. 4003(b)(3) ("An objection based on § 522(q) must be filed: (A) before the case is closed; or (B) if an exemption is first claimed after a case has been reopened, before the reopened case is closed."). Other changes are stylistic.

Amended subsection (a)(2) addresses the time for filing Local Form 4004-1 in chapter 7 cases. It was not necessary to specify the time in a chapter 11, 12, or 13 case because Fed. R. Bankr. P. 1007(c) already mandates that the form must be filed no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under 11 U.S.C. §§ 1141(d)(5)(B), 1228(b), or 1328(b). Further, under Fed. R. Bankr. P. 4004(c)(3), in a chapter 11, 12, or 13 case, the court "must not grant a discharge until at least 30 days after the statement is filed."



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Amended subsection (b) ensures conformance with Fed. R. Bankr. P. 2002(f)(1)(L). Under Fed. R. Bankr. P. 2002(f)(1)(L), in a chapter 11, 12, or 13 case, notice to all creditors must be given of the time to request a delay in the entry of the debtor's discharge under 11 U.S.C. §§ 1141(d)(5)(C), 1228(f), or 1328(h). The objection deadline in the motion is the time to request a delay in the entry of the debtor's discharge. The purpose of the delay is to investigate potential objections to exemptions based on 11 U.S.C. § 522(q). Amended subsection (b) makes notice to all creditors required in a chapter 7 case too.

Former subsection (a) was revised to remove the requirement that a trustee in a chapter 12 or 13 case file a final report and final account after the debtor completes plan payments. That requirement was duplicative of 11 U.S.C. § 704(a)(9), which is incorporated into chapter 12 and 13 cases by 11 U.S.C. §§ 1202(b)(1) and 1302(b)(1). *See also* Fed. R. Bankr. P. 5009(a) (indicating a chapter 7, 12, or 13 case can be closed after the trustee files a final report and final account and has certified that the estate has been fully administered). Former subsection (a) was further revised to remove the provision about the court entering an order for discharge upon the debtor's filing of Local Form 4004-1. Filing Local Form 4004-1 is not the only requirement for receiving a discharge. Finally, former subsection (a) was revised to remove the requirement that an individual chapter 11 debtor file a motion for discharge. That requirement may not apply in a case under subchapter V where the discharge is often statutorily determined unless the plan provides otherwise. In addition, for non-subchapter V cases, that requirement was duplicative of 11 U.S.C. § 1141(d)(5)(A) and Fed. R. Bankr. P. 9013, which generally requires that a request for an order be made by motion. It is incumbent on the individual chapter 11 debtor to inform the court, through a motion, that all plan payments have been completed and the debtor is eligible for a discharge.

Former subsection (b) was abrogated to ensure consistency with and avoid duplication of Fed. R. Bankr. P. 4007(d). Federal Rule of Bankruptcy Procedure 4007(d) requires a motion for hardship discharge, not an application. Further, that rule only applies to chapter 13 cases, not chapter 12 cases. In chapter 12 cases, while a motion is still required, it is not necessary for the court to fix the time to file a complaint to determine the dischargeability of any debt under 11 U.S.C. § 523(a)(6) because that time was already set in the meeting of creditors notice. *Compare* 11 U.S.C. § 1228(a)(2) (generally excepting debts under 11 U.S.C. § 523(a) from discharge), *with* 11 U.S.C. § 1328(a)(2) (excepting certain debts under 11 U.S.C. § 523(a) from discharge, but not debts under 11 U.S.C. § 523(a)(6)). Please refer to the court's website at [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) for filing guidance on motions for hardship discharge.