

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
Jason R. Black,) Case No. 17-4773
)
Debtor(s).)

ORDER DISALLOWING AMENDED CLAIMS
AND ALLOWING ORIGINAL CLAIMS AS FILED

This case is before the court on the objections (docs. 140, 141) by the chapter 13 trustee to amended claims no. 5 and 6 filed by the State of Alabama related to postpetition child support owed by the debtor. Under Bankruptcy Code § 1305(a), a creditor may file a proof of claim for a postpetition debt “that is consumer debt . . . and that is for property or services necessary for the debtor’s performance under the plan.” The postpetition child support debt here is not “for property or services necessary for the debtor’s performance under the plan.” *See generally In re Tracy*, No. 20-40074-JMM, 2021 WL 4143994 (Bankr. D. Idaho Sept. 9, 2021). And Code § 502(b)(5) disallows any claim for a postpetition debt “that is excepted from discharge under section 523(a)(5)[,]” that is, a domestic support obligation such as child support. The court thus disallows the amended claims, claim nos. 5-2 and 6-2.¹ The court allows the original claims (which did not include postpetition amounts), claim nos. 5-1 and 6-1, as filed.

The debtor’s confirmed plan does not provide for any distribution to unsecured creditors. The court might allow a claim for postpetition child support to be paid through a debtor’s chapter 13 plan in a 100% case where doing so did not affect other creditors, but that is not the situation here.

Dated: January 20, 2022


HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE

¹ As discussed at the hearing, the creditor has other remedies, including objecting to the debtor’s discharge or filing a motion to dismiss, for the debtor’s failure to pay the postpetition child support as it becomes due.