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Common Bankruptcy Forms

Sample Prosecutor’s Objection to Confirmation

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. __-_____
)
)
DEBTOR.)

PROSECUTOR’S OBJECTION TO CONFIRMATION

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the _____ County Prosecutor’s Office, Child Support Division (Title IV-D agency), who files this Objection to Confirmation, and in support of same, now states:

1. Debtor is a child support obligor, having been ordered by the Circuit Court of _____ County, _____ on _____ __, 20__ to pay support for his minor child, Broke Debtor, in the amount of ____ _____ dollars (\$____.00) per week under Cause Number _____-_____-____-____.
2. The _____ Circuit Court on _____ __, 20__ found Debtor delinquent on his child support obligation in the amount of \$____,____.00 as of _____ __, 20__.
3. As of _____ __, 20__, Debtor’s outstanding child support arrearage is \$____,____.____. There exists no current order of support.
4. Debtor’s Amended Chapter 13 proposal states “Debtor’s child support arrearage is approximately \$_____.”

5. Bankruptcy Code section 1008 requires the debtor to verify or affirm, under penalties for perjury the accuracy of the information contained in said petitions, lists and schedules.
6. The amount of child support arrearage in the plan is not accurate.
7. The _____ County Prosecutor's Office is requesting a hearing be set in the _____ County Circuit Court to establish the accurate amount of the Debtor's child support arrearage.
8. The Amended Chapter 13 plan should not be confirmed unless or until the Debtor's child support arrearage included in the plan is accurate.

WHEREFORE, the _____ County Prosecutor's Office, Child Support Division prays that the Amended Chapter 13 plan as proposed by Debtor on _____, 20__ not be confirmed.

Respectfully Submitted,

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com;

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

Sample Motion For Relief Of 362 Stay By Child Support Creditor With 30-Day Waiver

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. __--_____
)
DEBTOR.)

MOTION FOR RELIEF OF 362 STAY BY CHILD SUPPORT CREDITOR AND NOTICE OF
OBJECTION DEADLINE WITH 30-DAY WAIVER

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the _____ County Prosecutor's Office, Child Support Division (Title IV-D agency), requesting a Motion for Relief of the 362 Stay, saying to the Court as follows:

1. Debtor is a child support obligor, having been ordered by the Circuit Court of _____ County, _____ on _____, 20__ to pay support for his minor children, K.C. and C.C., in the amount of _____ and _____ dollars (\$____.00) per week under Cause Number _____-____-____.
2. The _____ Circuit Court on _____, 20__, found Debtor delinquent on his child support obligation in the amount of \$____,____.00 as of _____, 20__.
3. As of _____, 20__, Debtor's outstanding child support arrearage is \$____,____. There exists no current order of support.
4. Debtor's Objection to Claim of _____ County Prosecutor's Office, Claim #4 states "Debtor contests the amount of support arrears owed on the claim."
5. The _____ County Prosecutor's Office provides child support enforcement services to

the obligee, Patricia Law, pursuant to 42 U.S.C. § 651 *et seq* and IC § 31-25-4-1 *et seq*.

6. That in order to accurately establish Debtor's child support arrearage, relief from stay should be granted, permitting the _____ County Prosecutor's Office, on behalf of Patricia Law, the child support creditor, to initiate judicial action, to wit: filing a Petition to Determine Child Support Arrearage.

7. That pursuant to 11 U.S.C. 304(G), the child support creditor should not be assessed fees in pursuing the relief from the stay.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within __ **days** from date of service. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at: _____, _____, _____, _____, IN _____.

The objecting party must ensure delivery of the objection to the party filing the motion. **If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, the _____ County Prosecutor's Office, Child Support Division, moves the Court to allow lifting of the 362 Stay so that the child support arrearage can be determined and for all other just and proper relief in the premises.

Respectfully submitted,

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecutor

_____ County Prosecutor's Office
Child Support Division
_____. _____, _____
_____, IN _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR) CASE NO. __-_____
)
DEBTOR)

WAIVER OF REQUIREMENT FOR HEARING UNDER 11 U.S.C. SECTION 362(e)

Claimant hereby waives the requirement of 11 U.S.C. Section 362(e) of the U.S. Bankruptcy Code and the Rules of Bankruptcy Procedure that Final Hearing be held within thirty (30) days of this request for Relief From Automatic Stay.

Respectfully submitted,

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecutor

Waiver Issued: _____, 20__

Sample Order For Relief of 362 Stay

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. __-_____
)
DEBTOR)

ORDER FOR RELIEF FROM 362 STAY FOR CHILD SUPPORT CREDITOR

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the _____ County Prosecutor’s Office, Child Support Division (Title IV-D agency), and files a Motion for Relief of 362 Stay by Child Support Creditor with 30-Day Waiver.

And the Court, having examined said motion and being duly advised in the premises, now finds that the motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that RELIEF FROM STAY SHOULD BE GRANTED, permitting the _____ County Prosecutor’s Office, on behalf of Patricia Law, the child support creditor, to initiate judicial action, to wit: filing a Petition to Determine Child Support Arrearage.

Sample #2 Motion For Relief Of 362 Stay By Child Support Creditor With 30-Day Waiver
IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. __--_____
)
DEBTOR)

MOTION FOR RELIEF OF 362 STAY BY CHILD SUPPORT CREDITOR AND
NOTICE OF OBJECTION DEADLINE WITH 30-DAY WAIVER

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the _____ County Prosecutor’s Office, Child Support Division (Title IV-D agency), requesting a Motion for Relief of the 362 Stay, saying to the Court as follows:

1. Debtor is a child support obligor, having been ordered by the Circuit Court of _____ County, _____ on _____ __, 2005 to pay support for his minor children, K.C. and C.C., in the amount of ___ _____ and _____ dollars (\$____.____) per week under Cause Number _____-_____-____-____.
2. The _____ Circuit Court on _____ __, 20____, found Debtor delinquent on his child support obligation in the amount of \$____,_____.00 as of _____ __, 20____.
3. That John Q. Debtor is still under an order to pay support and has not done so since _____.
4. That the Debtor, John Q. Debtor, filed his bankruptcy plan on or about _____, and indicated that child support would be paid outside the plan, but has failed to do so.
5. The _____ County Prosecutor’s Office provides child support enforcement services to the obligee, Patricia Law, pursuant to 42 U.S.C. § 651 *et seq* and IC § 31-25-4-1 *et seq*.

6. That in order to enforce the Debtor's support obligation, relief from stay should be granted, permitting the _____ County Prosecutor's Office, on behalf of Patricia Law, the child support creditor, to initiate judicial and administrative actions, to wit: filing a motion for rule to show cause (civil contempt), income withholding, professional and/or driver's license suspension, state and federal tax refund interception, lottery winnings interception, liens on real and personal property, passport revocation, and submission of the child support arrearage to credit bureaus.
7. That pursuant to 11 U.S.C. 304(G), the child support creditor should not be assessed fees in pursuing the relief from the stay.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within ___ **days** from date of service. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at: _____, _____, _____. The objecting party must ensure delivery of the objection to the party filing the motion. **If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, the _____ County Prosecutor's Office, Child Support Division, moves the Court to allow lifting of the 362 Stay so that the _____ County Prosecutor's Office may initiate judicial and administrative actions and for all other just and proper relief in the premises.

Respectfully submitted,

\s\ Buford T. Justice

Buford T. Justice, #1908-23
Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecutor

_____ County Prosecutor's Office
Child Support Division
_____. _____, _____
_____, IN _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR) CASE NO. __-_____
)
DEBTOR.)

WAIVER OF REQUIREMENT FOR HEARING UNDER 11 U.S.C. SECTION 362(e)

Claimant hereby waives the requirement of 11 U.S.C. Section 362(e) of the U.S. Bankruptcy Code and the Rules of Bankruptcy Procedure that Final Hearing be held within thirty (30) days of this request for Relief From Automatic Stay.

Respectfully submitted,

\s\ Buford T. Justice

Buford T. Justice, #1908-23
Deputy Prosecutor

Waiver Issued: _____, 20__

with the arrears determination only.

Wherefore, the Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, requests withdrawal of the Verified Motion for Rule to Show Cause filed on _____, 20__.

Respectfully Submitted

Buford T. Justice
Deputy Prosecuting Attorney, #1908-23

CERTIFICATE OF SERVICE

I certify that the foregoing has been served upon Respondent (or Respondent's counsel, if applicable at last known address, and Petitioner (or Petitioner's counsel, if applicable), at last known address, via first class United State Mail, postage prepaid, on or about the date of filing.

Buford T. Justice
Deputy Prosecuting Attorney, #1908-23

_____ County Prosecutor's Office
Child Support Division

_____, _____

_____, _____

(____) ____-_____

STATE OF _____) IN THE _____ CIRCUIT COURT
) SS:
 COUNTY OF _____) CAUSE NO. _____-____-____-____
 PATRICIA LAW,)
 Petitioner,)
)
 vs.)
)
 JOHN Q. DEBTOR,)
 Respondent.)

ORDER WITHDRAWING RULE TO SHOW CAUSE

Comes now the State of _____ by Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, who requests that this Court approve the withdrawal of the State’s Verified Motion for Rule to Show Cause.

And the Court, having examined said Motion, now finds that the withdrawal should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion for Verified Motion for Rule to Show Cause filed against Respondent on _____, 20__ is hereby withdrawn and the hearing vacated for _____, 20__ at __:00 __.m.

RECOMMENDED:
 DATE: _____

 MAGISTRATE

APPROVED:
 DATE: _____

 JUDGE

_____ County Prosecutor's Office
 Child Support Division
 _____,
 _____,
 (____) ____-____

Patricia Law John Q. Debtor
 Last Known Address Last Known Address

Sample Withdrawal of Claim For Child Support Arrearage
IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. __-_____
)
DEBTOR.)

WITHDRAWAL OF CLAIM FOR CHILD SUPPORT ARREARAGE

Comes now Deputy Prosecuting Attorney of the _____ County Prosecutor’s Office, Child Support Division, _____ County, _____, who files a Withdrawal of Claim to Child Support Arrearage, and states as follows:

1. That on _____ __, 20__, the _____ Circuit Court approved an Agreed Entry between Debtor and custodial parent Patricia Law. This agreement stated that Debtor was not in arrears on his child support obligation as of _____ __, 20__.
2. In accordance of this court-approved agreement, the _____ County Prosecutor’s Office hereby withdraws its claim for child support arrearage in this Cause.

WHEREFORE, Deputy Prosecutor of the _____ County Prosecutor’s Office, Child Support Division, hereby withdraws its claim for child support arrearage in this Cause.

Respectfully submitted,

\s\ Buford T. Justice

Buford T. Justice, #1908-23
Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20___, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com;

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com;

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Rosco P. Coltrane

Rosco P. Coltrane #1907-23
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, _____
(____) ____-____
Rosco.Coltrane@HazzardCounty.Gov

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com;

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

Sample Motion to Withdraw Objection to Confirmation and Notice of Objection Deadline

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. ___ - ____
)
DEBTOR.)

**MOTION TO WITHDRAW PROSECUTOR’S OBJECTION TO CONFIRMATION AND
NOTICE OF OBJECTION DEADLINE**

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the _____ County Prosecutor’s Office, Child Support Division, _____ County, _____, who files a Motion to Withdraw Prosecutor’s Objection to Confirmation and Notice of Objection Deadline, saying to the Court as follows:

On _____, 20____, the Court entered an order which sets Debtor’s arrearage at \$____,____.____ as of _____, 20____, which is the arrearage claimed in the Plan. In accordance of this court-approved order, the _____ County Prosecutor’s Office hereby withdraws its Objection to Confirmation.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within **21 days** from the date of service [or such other time period as may be permitted by Fed. R. Bankr. P. 9006 (f)]. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail. The objecting party must ensure delivery of the objection to the debtor(s). **If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, Deputy Prosecutor of the _____ County Prosecutor's Office, Child Support Division, moves the Court for an order withdrawing Prosecutor's Objection to Amended Plan, filed _____, 20____, as document number ____ in this case.

Respectfully submitted,
/s/ Buford T. Justice

Buford T. Justice, #1908-23
____ County Prosecutor's Office
Child Support Division
_____, _____
_____, _____
(____) ____-_____

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com;

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

Sample Motion to Dismiss Chapter 13 Case

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. ___-_____
)
DEBTOR.)

MOTION TO DISMISS CHAPTER 13 CASE

Comes Now, Creditor, the Marion County Prosecutor’s Office, Child Support Division, and moves for dismissal of Debtor's Chapter 13 Case, pursuant to 11 U.S.C. § 1307(c)(11). In support of its motion, Movant shows the following:

1. Debtor John Q. Debtor has been ordered to pay support for one or more minor children under three separate causes.
2. Debtor John Q. Debtor filed this bankruptcy petition on the 25th day of July 2014.
3. After filing the petition, Debtor John Q. Debtor failed to make support payments for the above-referenced child(ren) as ordered by the Circuit Court of Marion County, Indiana for all three of his child support cases. Post-petition child support debt has accrued since the filing of the petition. Movant attorney has attached a Payment History Detail along with payment history for all three of Debtor John Q. Debtor’s child support cases.
4. Movant attorney has filed an Appearance of Child Support Creditor or Representative (Bankruptcy Form 281).

Wherefore, Creditor moves that Debtor's bankruptcy case be dismissed.

This the _____ day of _____ 201____.

Respectfully submitted,

_____,
Buford T. Justice #1908-23
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on _____ __, 20__, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Case Filing System. Party/parties may access this filing through the Court's ECF system.

Jenny B. Trusty
ECFTrusty1@trustee13.com

Johnny Barrister
Johnny@barristerlaw.com;

U.S. Trustee
ustpreionXX.XX.ecf@usdoj.gov

\s\ Buford T. Justice

Buford T. Justice #1908-23
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, _____
(____) ____-____
Buford.Justice@MontagueCounty.Gov

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR,) CASE NO. ___-_____
)
DEBTOR.)

ORDER ON MOTION TO DISMISS

The Marion County Prosecutor's Office, Child Support Division, having filed a Motion to Dismiss Debtor's Chapter 13 case pursuant to 11 U.S.C. § 1307(c)(11), for failure to pay child support, and the Court having heard evidence in support of said Motion,

IT IS ORDERED that the Debtor's Chapter 13 Bankruptcy case is hereby dismissed for failure to pay post-petition domestic support obligations.

This the _____ day of _____ 201____

_____, JUDGE
UNITED STATES BANKRUPTCY COURT

Sample Motion and Order To Strike Prosecutor’s Office From Proceedings
IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR) CASE NO. __-_____
)
DEBTOR)

PROSECUTOR’S MOTION TO STRIKE _____ COUNTY PROSECUTOR’S OFFICE
FROM PROCEEDINGS

Comes now Buford T. Justice, Deputy Prosecuting Attorney of the _____ County Prosecutor’s Office, Child Support Division (Title IV-D agency), who files this Motion to Strike _____ County Prosecutor’s Office from Proceedings, and in support of same, now states:

Facts and Procedural History

On October 28, 2016, Debtor filed his motion to reopen his bankruptcy proceedings. That motion alleges that the **XXXXXX** County, **Other State** District Attorney’s Office is erroneously attempting to collect child support arrearages against Debtor. Debtor’s Motion to Reopen, Page 1 ¶¶ 4-5. Debtor’s motion states in relevant part that “Debtor needs to reopen this proceeding to cease the wrongful actions of the **XXXXXX** County District attorney and to seek sanctions for their violation and _____’s violation of the Discharge Injunction under Ch. 13.” *Id.*, Page 2, ¶ 9.

Also on October 28, 2016, Debtor filed his Motion for Sanctions, Fees and Costs for Willful Violation of Discharge Injunction. This motion likewise alleges that the **XXXXXX** County, **Other State** District Attorney’s Office is erroneously attempting to continue collections on a satisfied child support obligation, despite Debtor’s protestations. Debtor’s Motion for Sanctions, Page 4-5, ¶¶ 10-12.

Debtor claims in his motion for sanctions that the _____ County Prosecutor’s Office (“__PO”) should be joined as a necessary party, saying “in compliance with the Order on Request for Sanctions and Fees, the _____ County Child Support Division filed an Amended Proof of Claim in the amount of \$**XX,XXX.XX**, with a detailed accounting of the funds paid via an

improper garnishment and to fully account for all prior payments. Accordingly, the _____ County Child Support Division is being noticed as a necessary party.” *Id.*, Page 4 ¶ 13.

Grounds for Striking PO from Proceedings

As a threshold matter, Debtor has not formally moved to join the __PO as a party to his present motion for sanctions against **XXXXXX** County, **Other State**, and his motion may more properly sound in adversary proceedings. In any event, Debtor does not allege a sufficient basis for joining the __PO as a necessary party to Debtor’s present action for sanctions against an unrelated third party and there is no need for the __PO’s presence at the scheduled December 25, 2016 hearing.

This Court on July 12, 2013 granted Debtor his discharge, and the trustee filed his Final Report and Account on August 4, 2013. At least since that time, the __PO has closed its Title IV-D case and has had no involvement with Debtor’s child support or bankruptcy case. The __PO has had no communication or directed in any way the actions of the **XXXXXX** County, **Other State’s** District Attorney’s Office.

__PO’s prior involvement in Debtor’s bankruptcy action, including its prior proof of claim, is irrelevant to Debtor’s present action against the **XXXXXX** County District Attorney’s Office for actions it has allegedly taken *after* the Debtor was granted a discharge and his bankruptcy and __PO child support cases were closed.

Debtor’s Motion for Sanctions is directed against the **XXXXXX** County District Attorney’s Office, not the _____ County, Prosecutor’s Office. Debtor has made no claim that __PO’s joinder is required to prevent multiple, inconsistent judgments against multiple potential defendants. Rather, Debtor raises his joinder argument on the __PO involvement with his bankruptcy case some four years before his present motion.

The __PO’s involvement in Debtor’s present motion for sanctions is not only unnecessary, but it is also not even useful. As previously stated, the __PO has had no involvement with Debtor’s child support case or communicated in any way with the **XXXXXX** County, **Other State’s** District Attorney’s Office. Hence, there is neither basis for permissive joinder of the __PO, nor required joinder.

Moreover, Debtor may obtain records of claims made and Indiana payments that posted to his child support and bankruptcy through the _____ County Clerk or the Indiana State Central Collection Unit. The __PO is not the keeper of records for these payments.

Overall, Debtor's Motion fails to satisfy the requirements for required joinder under Fed R. Civ. Proc. 19(a): Debtor will not be unable to obtain relief against the **XXXXXX** County District Attorney's Office, if warranted. FRCP 19(a)(1)(A), and Debtor's interests without the __PO's involvement are unobstructed. FRCP 19(a)(1)(B)(i). Furthermore, the __PO claims no interest relating to the subject of Debtor's Motion and there is no substantial risk "of incurring double, multiple, or otherwise inconsistent obligations because of the interest." FRCP 19(a)(1)(B)(ii).

In conclusion, Debtor likewise fails to satisfy permissive joinder under FRCP 20. Neither Debtor nor the __PO has asserted "any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences" FRCP 20(a)(1)(A), and Debtor has failed to allege "any question of law or fact common to all plaintiffs will arise in the action." FRCP 20(a)(1)(B). Indeed, Debtor *has not even alleged* the __PO's involvement for the actions for which it now seeks sanctions.

Conclusion and Prayer for Relief

Debtor has failed to show facts sufficient to warrant the __PO's involvement in his Motion for Sanctions. Debtor's complaint sounds against another alleged wrongdoer for actions taken well after the __PO had closed its IV-D case and completely terminated its involvement.

WHEREFORE, the _____ County Prosecutor's Office, Child Support Division prays that the __PO's involvement in Debtor's present motion be stricken, and that the __PO be relieved of its need to appear at the hearing scheduled December 25, 2016.

Respectfully Submitted,

\s\ Buford T. Justice

Buford T. Justice #17472-53
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the U.S. Trustee, Debtor's Counsel and all parties of record by electronic filing, and to those listed below by first class mail, postage prepaid on this 27th day of November, 2016.

XXXXXX County District Attorney
Attn: _____
Child Support Unit
1900 E. Main Street
XXXXXXXX, XX 12345

John W. Otherstate
XXXXXX County District Attorney
200 Main Street
XXXXXXXX, XX 12345

John W. Barrister
225 N. Main Street
Indianapolis, IN 46204

\s\ Buford T. Justice

Buford T. Justice #17472-53
Deputy Prosecuting Attorney

_____ County Prosecutor's Office
Child Support Division

_____, Indiana 46____
(____) ____-_____

IN THE UNITED STATES BANKRUPTCY COURT
_____ DISTRICT OF _____
_____ DIVISION

IN RE:)
)
JOHN Q. DEBTOR) CASE NO. __-_____
)
DEBTOR)

ORDER STRIKING _____ COUNTY PROSECUTOR'S OFFICE
FROM PROCEEDINGS

This matter comes before the Court on the motion of the _____ County Prosecutor's Office ("__PO") to strike the __PO from the proceedings arising from Debtor's Motion for Sanctions, Fees and Costs for Willful Violation of Discharge Injunction against the **XXXXXX** County, **Other State** District Attorney's Office.

The Court finds and decrees that the __PO has neither been alleged in Debtor's motion to have committed wrongdoing nor their presence needed at the scheduled hearing of December 25, 2010 to adjudicate Debtor's claims.

In accordance with the foregoing, Debtor's references in his Motion for Sanction to the ___PO as a "necessary party" is STRICKEN, and the ___PO is EXCUSED from the appearing at the scheduled hearing of December 25, 2016 (or subsequent hearings that may be held on Debtor's Motion for sanctions against the **XXXXXX** County, **Other State** District Attorney's Office).

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Distribution

XXXXXXX County District Attorney
Attn: _____
Child Support Unit
1900 E. Main Street
XXXXXXX, XX 12345

John W. Otherstate
XXXXXXX County District Attorney
200 Main Street
XXXXXXX, XX 12345

John W. Barrister
225 N. Main Street
Indianapolis, IN 46204
Steven Dick
225 N. Delaware Street
Indianapolis, IN 46204

John Q. Debtor
618 N. Broke Ave
_____, IN 46____

Buford T. Justice, Senior Deputy Prosecutor
_____ County Prosecutor's Office
Child Support Division
251 East Ohio St., Suite 700
Indianapolis, Indiana 46204
(317) 327-1800

Jenny B. Trusty
ECFTrusty1@trustee13.com

U.S. Trustee's Office
ustregion10.in.ecf@usdoj.gov