

CHAPTER 13 PLAN NON-STANDARD SECTION
TEMPLATE FOR STUDEN LOAN IDR PLANS

For use by a debtor with Federal student loans who want to enroll in or remain in an IDR repayment plan while in a Chapter 13 bankruptcy plan. The Federal student loans identified below are held by the U.S. Department of Education ("Dept. of Ed") and / or other Title IV Student Loan Holders, if applicable as also identified below.

Nonstandard Plan Provisions

A. Continuing Participation in a student loan IDR plan.

1. The Debtor is currently providing for payment of student loans by participating in an income-drive repayment plan ("IDR plan") provided for by the Dept. of Ed. pursuant to the IDR program. The Debtor shall annually recertify and remain enrolled in the IDR plan while the chapter 13 case is pending. The Debtor shall, within 30 days following the annual determination of an updated payment, notify the Trustee of such payment and shall file a modification of the plan if necessary.
2. Pursuant to 11 U.S.C. §1322(b)(5), the ongoing post-petition payments on the Debtor's student loan debt, as determined under the IDR plan, may be paid directly by the Debtor to [*insert student loan creditor or servicer*] beginning with the payment due on [*date*]. As an alternative to a direct payment the plan may provide for the payment under the IDR to be made by the Trustee. The plan may also provide that the payment due date under the IDR plan be modified to accommodate the Trustee's monthly disbursement date. The plan shall classify the student loan debt paid under the IDR plan as a separate classification under 11 U.S.C. §1322(b)(5).
3. [*Student loan creditor*] shall accept payments made by the Debtor while this case is pending and shall apply payments in accordance with the IDR program as if this case had not been filed, and any payment made shall be treated as eligible payments for any administrative discharge under the IDR program. [*Student loan creditor*] shall provide to the Debtor while this case is pending statements concerning periodic payments and any other written communications that are provided to nonbankruptcy borrowers in the ordinary course of servicing a student loan under the IDR program, including notices of annual program certifications and late payments, including any other informational communications such as telephone calls and e-mails, Informational statements and communications shall not be deemed a violation of the automatic stay or other applicable State or Federal laws.

B. Seeking Enrollment in Student Loan Income-Driven Repayment Plan

1. The Debtor shall provide for payment of student loans by seeking to enroll in an IDR plan with the Dept. of Ed and / or [*name of student loan servicer*]. The Debtor may apply for an IDR plan without an Order of the Court. If the Debtor is approved for an IDR the Debtor shall notify the Trustee within 30 days of obtaining the approval

and determination of the payment, and shall file a modification of the plan if necessary.

2. The Debtor shall not be denied eligibility to participate in an IDR plan due to the filing of this bankruptcy and shall be participated in an applicable IDR plan to the extent that the Debtor would otherwise qualify had this case not been filed.
3. The Debtor, may seek a consolidation of the Debtor's student loans with the Dept. of Ed and / or [*name of student loan servicer, guarantor, or holder*], and will seek approval of any loan consolidation agreement from this Court by filing a motion and obtaining an Order of the Court. The Debtor shall not be denied eligibility for consolidation of the student loans due to the filing of this bankruptcy.
4. If the Debtor is approved for an IDR during the pendency of this case the provisions set forth in subsection A shall apply.