

This is your Release #12 (April 2020)

Bankruptcy Deskbook

Fifth Edition

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In this release, all fourteen chapters are updated with the most recent rulings affecting bankruptcy practice, along with expanded and clarifying discussions of existing topics. Developments discussed in this release include:

Small Business Cases: The Small Business Reorganization Act of 2019, effective February 19, 2020, created a new form of Chapter 11—the subchapter V case—for small business debtors, offering an alternative form of relief to that provided by the small business case. While the subchapter V case incorporates many Chapter 11 concepts, it is governed by provisions that are similar to Chapter 12 and Chapter 13 cases. **Chapter 11, Chapter 11, new section 11:12.3, The Subchapter V Case.**

Domestic Support Obligations: The BAPCPA clarified the circumstances under which an obligation arising out of a marital dissolution is dischargeable by introducing the concept of the “domestic support obligation.” **Chapter 1, Introduction to the Bankruptcy System, section 1:2.1, Definitions, Terminology, and Rules of Construction, and Chapter 9, Discharge and Dischargeability, section 9:8.5[D], Domestic Support Obligations and Other Divorce-Related Claims.**

Avoidance: The Small Business Reorganization Act of 2019 added a new clause to section 547(b) regarding trustee avoidance actions, the

(continued on reverse)

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purpose of which is to require the trustee to conduct an investigation into alleged preferences, rather than simply sue anyone who the debtor's ledger indicates received a payment in the ninety days prior to the petition. **Chapter 6, Avoidance Powers, section 6:4.2[C], Exceptions and Defenses.**

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