

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

In re

RANDY CARROLL RICE,  
  
Debtor.

No. 99-22169  
Chapter 7

BRENDA RICE SNYDER,  
  
Plaintiff,

vs.

RANDY CARROLL RICE,  
  
Defendant.

Adv. Pro. No. 99-2050

MEMORANDUM and ORDER

APPEARANCES :

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MARCIA PHILLIPS PARSONS  
UNITED STATES BANKRUPTCY JUDGE

This adversary proceeding is before the court on the plaintiff's motion for summary judgment filed December 17, 1999, seeking a determination that the child support, medical bills, and guardian *ad litem* fees owed by the debtor pursuant to a decree of the Chancery Court for Unicoi County, Tennessee is nondischargeable as support under 11 U.S.C. § 523(a)(5). The scheduling order entered in this proceeding on December 3, 1999, directed that responses to dispositive motions were to be filed within ten days of the filing of the motion. The order further provided that "[f]ailure to respond within the time allowed may be deemed an admission that the motion is well taken and should be granted." The debtor has not filed a response to plaintiff's summary judgment motion. This is a core proceeding. See 28 U.S.C. § 157(b)(2)(I).

After consideration of the pleadings and the documents tendered in support of the summary judgment motion, the court is of the opinion that the motion is well taken and should be granted. With respect to the assertion that the debtor's obligation to pay child support is "support" within the meaning of 11 U.S.C. § 523(a)(5), the Sixth Circuit Court of Appeals stated recently in the case of *Sorah v. Sorah (In re Sorah)*, 163 F.3d 397 (6th Cir. 1998), that "[a]n award that is designated as support by the state court" and has the indicia under state law

of a support obligation "should be conclusively presumed to be a support obligation by the bankruptcy court." *Id.* at 401. Both of these criteria are met in the present case.

Regarding the guardian *ad litem* fees, the courts which have considered the issue have uniformly concluded that guardian *ad litem* fees owed by a parent on behalf of his or her child is support under § 523(a)(5). *See, e.g., Madden v. Staggs (In re Staggs)*, 203 B.R. 712, 717 (Bankr. W.D. Mo. 1996)(debtor's obligation for guardian *ad litem* fees assessed in post-divorce action was nondischargeable, being in the nature of support); *Walker v. Laing (In re Laing)*, 187 B.R. 531, 533 (Bankr. W.D. Va. 1995)(same); *Baillargeon v. Stacey (In re Stacey)*, 164 B.R. 210, 212 (Bankr. D.N.H. 1994)(guardian *ad litem* fees incurred in connection with divorce proceeding nondischargeable).

Similarly, the courts have routinely found that the obligation of a parent to pay the medical expenses of a dependent child as ordered by the state court is a nondischargeable support obligation pursuant to 11 U.S.C. § 523(a)(5). *See, e.g., Scott v. Scott (In re Scott)*, 194 B.R. 375, 379 (Bankr. D.S.C. 1995); *Shelton v. Shelton (In re Shelton)*, 92 B.R. 268, 273 (Bankr. S.D. Ohio 1988); *Fisher v. Valls (In re Valls)*, 79 B.R. 270, 271 (Bankr. W.D. La. 1987).

For the foregoing reasons, the plaintiff's motion for summary judgment is granted and the debtor's obligations to pay certain child support, medical expenses, and guardian *ad litem* fees as adjudged by the Chancery Court for Unicoi County, Tennessee is nondischargeable under 11 U.S.C. § 523(a)(5).

SO ORDERED.

ENTER: January 11, 2000

BY THE COURT

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MARCIA PHILLIPS PARSONS  
UNITED STATES BANKRUPTCY JUDGE