

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**NOTICE TO THE BAR AND PUBLIC REGARDING AMENDMENTS TO
FEDERAL RULES OF BANKRUPTCY PROCEDURE AND
OFFICIAL BANKRUPTCY FORMS**

Please be advised that the following Federal Rules of Bankruptcy Procedure and Official Forms are amended, effective December 1, 2010.

Dated: December 1, 2010

James J. Waldron, Clerk

Federal Rules of Bankruptcy Procedure Amendments

- Rule 1007 -** Subsection (a) shortens to seven (7) days, the time within which a debtor must file a list of creditors after the entry of an order for relief in an involuntary case. Subsection (c) extends the time for individual chapter 7 debtors to file a *Certification of Completion of Instructional Course Concerning Financial Management* within 60 days after the first date set for the meeting of creditors.
- Rule 1014 -** Subsection (b) includes chapter 15 cases in the procedure to be followed when petitions involving the same debtor or related debtors are filed in different courts.
- Rule 1015 -** Subsection (a) includes chapter 15 cases in the procedure to be followed for consolidation when cases involving the same debtor are pending in the same court.
- Rule 1018 -** This Rule is amended to reflect enactment of chapter 15 in 2005.
- Rule 1019 -** subsection (2)(A) is amended to provide, with some exceptions, a new time period for filing an objection to a claim of exemptions arises when a case is converted to chapter 7.
- Rule 4001 -** Subsection (d)(2) includes a conforming amendment on the computation of time.
- Rule 4004 -** Subsection (a) is amended to include a new deadline for filing of motions [rather than complaints] objecting to a debtor's discharge under sections 727(a)(8), (a)(9), or 1328(f) of the Code. These sections establish time limits on the issuance of discharges in successive bankruptcy cases by the same debtor. Subsection (c)(1)(B) directs the court not to grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor. Subsection (c) is new. It directs the court in chapter 7 and 13 cases to withhold the entry of the discharge if an individual debtor has not filed the financial management certification as required by Rule 1007(b)(7).
- Rule 5009 -** Amended to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to individual debtors in chapter 7 and 13 cases that their cases may be closed if they fail to file a *Certification of Completion of Instructional Course Concerning Financial Management*. Subdivision (c) requires a foreign representative in a chapter 15 case to file and give notice of the filing of a final report.

- Rule 5012 -** This is a new rule establishing procedures in chapter 15 cases for obtaining approval of an agreement regarding communications and coordinating of proceedings with cases involving the debtor pending in other countries.
- Rule 7001 -** Subsection (4) is amended to reflect that objections to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) are to be commenced by motion rather than by complaint, corresponding to the amendment to Rule 4004.
- Rule 9001 -** This Rule is amended to add § 1502 to the list of definitions.

Amended Official Forms

- B9A -** *Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines (No Asset).* This notice has been amended to conform with amendments to Bankruptcy Rules 4004 and 7001.
- B9C -** *Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines (Asset).* This notice has been amended to conform with amendments to Bankruptcy Rules 1007, 4004 and 7001.
- B9I -** *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines.* This notice has been amended to conform with amendments to Bankruptcy Rules 4004 and 7001.
- B22A -** *Statement of Current Monthly Income and Means Test Calculation.* This form is amended to delete several references to “household” and “household size” and to replace them with “number of persons” of “family size.” As amended, the form will direct joint filers to file separate forms only if one of the debtors is entitled to an exemption under Part 1 of the form and the debtors believe they are required to file separate forms by § 707(b)(2)(c) of the Bankruptcy Code. The form also instructs that only one joint filer should report payments by another for household expenses.
- B22B -** *Statement of Current Monthly Income.* This form is amended to delete several references to “household” and “household size” and to replace them with “number of persons” of “family size.”
- B22C -** *Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income.* This form is amended to delete several references to “household” and “household size” and to replace them with “number of persons” of “family size.”
- B23 -** *Debtor’s Certification of Completion of Instruction Course Concerning Personal Financial Management.* This form is amended to conform to the amendment of Federal Bankruptcy Rule 1007.