



# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF LOUISIANA

## NOTICE

### Change to Federal Bankruptcy Rules and Forms Effective December 1, 2013

The following is a summary of the upcoming changes to the Federal Bankruptcy Rules and Forms effective December 1, 2013. Detailed information is available at [www.uscourts.gov](http://www.uscourts.gov) located at the tabs for Rules & Policies and Forms & Fees.

#### Federal Rules of Bankruptcy Procedure

##### **1007(b)(7).** (Lists, Schedules, Statement, and Other Documents; Time Limits)

Amended to provide an individual debtor the option of having an approved personal financial management course provider notify the court directly that the debtor has completed a post-petition instructional course concerning personal financial management. Official Form 23 has been revised to reflect the rule change by including an instruction stating that the debtor should complete and file the form only if the provider has not already notified the court of the debtor's completion of the course.

Approved personal financial management course providers must register as limited filers in each bankruptcy court where they are filing certificates on behalf of debtors. Additional information and the application for limited filer access are available at the court's website, [www.lawb.uscourts.gov](http://www.lawb.uscourts.gov).

##### **4004(c)(1)** (Grant or Denial of Discharge)

Amended to conform to the amendment of Rule 1007(b)(7). Court shall not enter a discharge if the debtor has not filed a statement of completion of a course concerning personal financial management if required by Rule 1007(b)(7). Also, to clarify that prohibition on entering a discharge due to a presumption of undue hardship under §524(m) of the Code ceases when the presumption expires or the court concludes a hearing on the presumption.

##### **5009(b)** (Closing Chapter 7 Liquidation, Chapter 12 Family Farmer's Debt Adjustment, Chapter 13 Individual's Debt Adjustment, and Chapter 15 Ancillary and Cross-Border Cases)

Amended to conform to the amendment of Rule 1007(b)(7). Requires the clerk to send an individual debtor notice that the case will be closed without entry of a discharge when an individual debtor who is required to file the statement by Rule 1007(b) fails to do so within 45 days after the first date set for the meeting of creditors.

**9006(d)** (Computing and Extending Time; Time for Motion Papers)

Title amended to draw attention to the fact that it prescribes time limits for the service of motion papers. Also amended to expand type of documents which must be served no later than one day before hearing on a motion from “opposing affidavits” to “any written response.”

**9013** (Motions: Form and Service)

A cross-reference to Rule 9006(d) is added to prescribe the time limits to be observed in serving written motions other than those which may be considered ex-parte.

**9014** (Contested Matters)

A cross-reference to Rule 9006(d) is added to subdivision (b) to prescribe the time limits to be observed in serving motions and written responses thereto in contested matters.

## Official Bankruptcy Forms

Official Forms 3A, 3B, 6I, and 6J are only used in individual debtor cases. The forms are revised as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project ("FMP"). Early in its evaluation of the existing bankruptcy forms, the FMP concluded that case opening forms for individuals should be separated from those used by entities. Forms used by individuals are designed to be more easily understood by users who are unfamiliar with bankruptcy and who are often not represented by an attorney. In addition to restyling, minor substantive changes are described in the committee notes for the four forms.

**Official Form 3A** (Application for Individuals to Pay the Filing Fee in Installments)

**Official Form 3B** (Application to Have the Chapter 7 Filing Fee Waived)

**Official Form 6I** (Schedule I: Your Income)

**Official Form 6J** (Schedule J: Your Expenses)

Official Forms 6 Summary and 27 are revised with updated line number cross references to Schedules I and J. Official Form 23 and Director's Procedural Form B200 are revised in connection with a change to Bankruptcy Rule 1007(b)(7). The rule change will relieve individual debtors of the obligation to file Official Form 23 if the provider of an instructional course concerning personal financial management directly notifies the court that the debtor has completed the course. Official Form 23 is revised to reflect the rule change by including an instruction stating that the debtor should complete and file the form only if the provider has not already notified the court of the debtor's completion of the course. A similar instruction is added to the checklist references for chapters 7, 11 and 13 on Director's Form B200.

**Official Form 6 Summary** (Summary of Schedules),

**Official Form 23** (Debtor's Certification of Completion of Instructional Course Concerning Financial Management)

**Official Form 27** (Reaffirmation Agreement Cover Sheet)

**Directors Form B200**

The three existing Directors Procedural forms for subpoenas – 254, 255, and 256 will be withdrawn on December 1, 2013 and replaced with four updated versions (Forms 254, 255, 256, and 257) that incorporate pending changes to Civil Rule 45, which is made applicable in bankruptcy cases by Bankruptcy Rule 9016. The revised bankruptcy subpoenas more closely follow the topic organization of subpoenas in civil cases.

**Directors Form 254** (Subpoena for Rule 2004 Examination)

**Directors Form 255** (Subpoena in an Adversary Proceeding)

**Directors Form 256** (Subpoena in a case Under the Bankruptcy Code)