

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

NOTICE OF AMENDMENTS TO FEDERAL RULES OF BANKRUPTCY PROCEDURE,
ENACTMENT OF NEW RULE, AND AMENDMENTS TO OFFICIAL BANKRUPTCY FORMS
EFFECTIVE DECEMBER 1, 2010

On April 28, 2010, the Supreme Court of the United States approved the following rules and forms amendments and new rule, as approved by the Judicial Conference. The rules and forms amendments were transmitted to Congress and will take effect on December 1, 2010 unless Congress enacts legislation to the contrary.

The following list represents the major changes affecting bankruptcy practice. It is not an exhaustive list of the changes effective 12/1/2010. For more information or a complete listing of the changes, see the U.S. Court's Federal Rulemaking website and the U.S. Court's Official Forms website.

<http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules.aspx>

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

A. AMENDMENTS TO FEDERAL RULES OF BANKRUPTCY PROCEDURE AND ENACTMENT OF NEW RULE

Bankruptcy Rule 1007	There are two changes. First, this rule extends the time for individual chapter 7 debtors to file the statement of completion of course in personal financial management from 45 days to 60 days after the first meeting of creditors. (There is a related change in Rule 5009). Second, this rule also shortens the time for a debtor to file a list of creditors to 7 days after the entry of an order for relief in an involuntary case.
Bankruptcy Rule 1019	With some exceptions, a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13.
Bankruptcy Rule 4001	Technical and conforming amendment on the computation of time.
Bankruptcy Rule 4004	Amended to: (a) include a new deadline for filing of motions (rather than complaints) under Rule 7001(b) objecting to a debtor's discharge; (b) direct 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; and (c) direct the court in chapter 11 and 13 cases to withhold the entry of the discharge if the debtor has not filed with the court a statement of completion of a course concerning personal financial management.
Bankruptcy Rule 5009	Amended to add new subdivisions to the rule. Specifically, 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 statement of completion of financial management course.
Bankruptcy Rule 5012	New rule establishing procedures in Chapter 15 cases filed on or after December 1, 2010.
Bankruptcy Rule 7001	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 proposed amendment to Rule 4004. Two new motion events have been added to CM/ECF.

B. AMENDMENTS TO OFFICIAL BANKRUPTCY FORMS

Official Form	Amendment
Forms 9A, 9C, and 9I - Notice of Bankruptcy Case, Meeting of Creditors & Deadlines	The “Deadlines” section on the front and the “Discharge of Debts” section on the back have been amended. The changes conform to amendments to Bankruptcy Rules 4004 and 7001 that direct that certain objections to discharge be brought by motion rather than by complaint.
Forms 22A, 22B, and 22C - Statement of Current Monthly Income	<p>Forms 22A and 22C are amended to instruct the filer to list all names used by the debtor in the last eight, rather than six, years, and to redact not only the debtor’s social security number, but also the debtor’s individual taxpayer identification number.</p> <p>Forms 22A and 22C are amended in several places to delete references to “household” and “household size” and to replace them with “number of persons” or “family size.” (Form 22A at lines 19A, 19B, 20A, and 20B; Form 22C at lines 24A, 24B, 25A, and 25B).</p> <p>Form 22A is also amended to add an instruction to line 8 to clarify that only one joint filer should report regular payments by another person for household expenses. Forms 22B and 22C are similarly amended on line 7 of each form.</p> <p>The introductory instruction to Part I of Form 22A is amended to give debtors in a joint case the choice of filing separate forms if they believe they are required to do so by § 707(b)(2) of the Bankruptcy Code.</p>
Form 23 - Debtor’s Certification of Completion of Instructional Course Concerning Financial Management	The “deadlines” section at the bottom of the form is amended to conform to amended Rule 1007 (c). This amendment was approved by the Judicial Conference in September, 2009.
Forms 20A and 20B - Notice of Motion or Objection, Notice of Objection to Claim	The forms are amended to require that the title of the case include all names used by the debtor within the last 8 years.

Failure to file the required official forms will result in an **order directing the filing of official forms. If the amended document is not filed timely, the document may be stricken or the case dismissed without hearing.** The following official forms changed in April, 2010 and will also be included in the order directing the filing of official forms; Form 1 Voluntary Petition, FormB6C Schedule C, Form B6E Schedule E, and Form B7 Statement of Financial Affairs.

Date: November 24, 2010

Katherine B. Gullo
Clerk of Court