

## **Federal Rules of Bankruptcy Procedure and Official Form Amendments - Effective December 1, 2013.**

Federal Rules of Bankruptcy Procedure (FRBP) 1007, 4004, 5009, 9006, 9013 and 9014 have been amended effective December 1, 2013.

The amendment to FRBP 1007(b) makes clear the provider of the personal financial management course ("Provider") may notify the court directly of the debtor's completion. The debtor's duty to file the Debtor's Certification of Completion of Instructional Course Concerning Financial Management (Official Form 23) remains, however, if the Provider does not file the Official Form 23. The failure to timely file the Official Form 23 still may result in the debtor's case being closed without a discharge. See FRBP 4004(c)(H).

FRBP 4004 and 5009 are amended to clarify the court's duties for issuance of a discharge and notice to debtors who have not timely filed the Official Form 23, respectively.

The titles to FRBP 9006, including subdivision (d), have been amended to make it clear they apply to motion papers. The service requirements in (d) reference to "opposing affidavits" has been changed to "any written response." Northern District of New York Local Bankruptcy Rule 9013-1(g) requires that answering papers be served and filed so as to be received not later than (7) days prior to the return date of the motion. The Committee Note to the FRBP makes clear the local rule time period would apply.

FRBP 9013 is amended to add a reference to amended FRBP 9006(d) and make a stylistic change to the party service requirements.

FRBP 9014 is amended to add the reference to amended FRBP 9006(d).

You will find a complete set of the amendments, including Advisory Committee notes and a red-lined version, on the Administrative Office of the United States Courts website at:

<http://www.gpo.gov/fdsys/pkg/CDOC-113hdoc28/pdf/CDOC-113hdoc28.pdf>

Several amendments were made to the Official Forms including Schedules I and J, Application to Have Chapter 7 Filing Fee Waived, Reaffirmation Agreement Cover Sheet, and others.

You will find a complete set of the amended forms, including their instructions and Advisory Committee notes, on the Administrative Office of the United States Courts website at:

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