

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**ADDITIONS AND AMENDMENT TO
LOCAL RULES OF PRACTICE AND
PROCEDURE IN BANKRUPTCY COURT,
DISTRICT OF VERMONT**

**Standing Order
03 - 6**

**AMENDMENTS TO: Vt. LBR 1002-1 AND
Vt. LBR 1007-1**

WHEREAS the Judicial Conference of the United States has proposed changes to the Federal Rules of Bankruptcy Procedure to protect the privacy of debtors, including limitations on inclusion of social security numbers on court documents, and such changes will take effect December 1, 2003 unless there is an objection by Congress before that date; and

WHEREAS the proposed change to Fed. R. Bankr. P. Rule 1005 requires, among other things, that the title of the bankruptcy case shall include only the last four digits of the debtor's social security number, and the proposed change to Fed. R. Bankr. P. Rule 1007(f) requires the debtor to submit to the Clerk of Court a verified statement listing the debtor's full social security number or that the debtor does not have a social security number; and

WHEREAS Official Form 21, Statement of Social Security Number(s) has been proposed as the document on which the debtor shall provide his or her full social security number to the Clerk of Court; and

WHEREAS a reading together of Fed. R. Bankr.P. Rules 1005, 1007(f) and 2002(a)(1) indicates that the Clerk shall include the debtor's social security number only on the mailed out version of the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines and further directs that the social security number shall not be included on the version of that notice maintained in the bankruptcy case file or on any other documents prepared by the court;

IT IS HEREBY ORDERED that Vermont Local Bankruptcy Rule 1007-1(g) is added and reads as follows:

When filing a bankruptcy petition electronically the completed and verified Official Form 21, Statement of Debtor's Social Security Number, as required by Fed. R. Bankr. P. Rule 1007(f), must be retained in paper form by the debtor's attorney in accordance with Vt. LBR 9011-1(b),* and

IT IS HEREBY ORDERED that Vermont Local Bankruptcy Rule 1007-1(h) is added and reads as follows:

The term *submitted* as used in Fed. R. Bankr. P. Rule 1007(f) means that the document at issue is not considered a paper filed in the case and is not part of the case docket,** and

IT IS HEREBY ORDERED that the last sentence of Vermont Local Bankruptcy Rule 1002-1(a) is amended to read as follows:


In cases where the case was commenced electronically, the debtor or the debtor's attorney shall bring the original, executed petition, schedules, statements and, if applicable, the Statement of Social Security Number(s) to the meeting of creditors held pursuant to 11 U.S.C. § 341 (hereafter "§ 341 meeting"), and

IT IS HEREBY ORDERED that this Court's Declaration Re: Electronic Filing marked as amended December 1, 2003, and making reference to the aforementioned Official Form 21, supersedes previous versions of the Declaration and is to be used in compliance with Vt. LBR 1002(c) when filing certain documents electronically.

These additions to the Local Rules are effective December 1, 2003 concurrent with the enactment of various proposed amendments to the Federal Rules of Bankruptcy Procedure unless there is an objection by Congress before that date.

SO ORDERED.

Rutland, Vermont
November 3, 2003



Colleen A. Brown
United States Bankruptcy Judge

Enclosures: Official Form 21, Statement of Social Security Number(s)***
Declaration Re: Electronic Filing, amended December 1, 2003

* Vt. LBR Rule 9011-1(b) reads in part *Documents that are filed electronically and require original signatures other than that of the party registered to use the Electronic Case Filing System must be maintained in paper form by the party registered to use the Electronic Case Filing System for five (5) years.*

** This explanation of the term *submitted* is consistent with information provided in the Committee Note (Changes Made After Publication and Comments) to Fed. R. Bankr. P. Rule 1007(f).

*** This draft version will become the final version if there is no objection by Congress before December 1, 2003.

**United States Bankruptcy Court
District of Vermont**

DRAFT

In re:

Case No _____

Chapter _____

Debtors

STATEMENT OF SOCIAL SECURITY NUMBER(S)

1. Name of Debtor (Last, First, Middle): _____

Check the appropriate box and, if applicable, provide the required information.

Debtor has a Social Security Number and it is: _____ - _____ - _____
(If more than one, state all.)

Debtor does not have a Social Security Number.

2. Name of Joint Debtor¹ (Last, First, Middle): _____

Check the appropriate box and, if applicable, provide the required information.

Joint Debtor has a Social Security Number and it is: _____ - _____ - _____
(If more than one, state all.)

Joint Debtor does not have a Social Security Number.

I declare under penalty of perjury² that the foregoing is true and correct.

Signature of Debtor

Date

Signature of Joint Debtor

Date

¹ Joint debtors must provide information for both spouses.

² Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re: _____

Debtor(s)

Case No. _____

Chapter _____

**DECLARATION RE: ELECTRONIC FILING
(Declaration REF)**

PART 1 - Declaration of Petitioner:

I [We] _____ [and _____], the undersigned debtor(s), corporate officer or partnership member, hereby declare under penalty of perjury that the information I have given my attorney and the information provided in the electronically filed petition, statements and schedules, or amendments thereof, is true and correct. I understand that this DECLARATION RE: ELECTRONIC FILING is to be filed with the Clerk after any of the above mentioned documents (petition, statements, schedules, or amendments thereof) have been filed electronically but, in no event, no later than ten (10) calendar days after any of these documents have been filed.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of Title 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I further declare under penalty of perjury that the information provided on Form 21, Statement of Social Security Number(s), is accurate.

[If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

I understand that failure to file the signed original of this DECLARATION is grounds for dismissal of my case without further notice.

Dated: _____

Authorized Corporate Officer / Partnership Member

Signed: _____
Debtor

(If joint case, both spouses must sign)

Joint Debtor

Part II - Declaration of Attorney:

I declare under penalty of perjury that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances that the above debtor's[s'] petition, schedules, statements are not being presented for any improper purpose; that the claims, defenses, and other legal contentions therein are warranted and are not frivolous; that the allegations and other factual contentions have, or will have, evidentiary support; and the denials of factual contentions are warranted. I further certify that the debtor(s) signed this Declaration after I submitted the petition, schedules and statements or amendments thereof and after I gave the debtor(s) a copy of the electronically filed document identified on the attached **Notice of Electronic Filing** from the Electronic Case Filing system and believe that the electronic document fully and accurately reflects the information given to me by the debtor(s). I have complied with all other Electronic Filing requirements. I have informed the individual petitioner(s) that [he and/or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based upon all information of which I have knowledge.

DATED: _____

Attorney for Debtor(s)