

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF  
LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER 06-08**

**TO AMEND STANDING ORDER # 05-02  
REGARDING THE FILING OF CERTIFICATION  
OF A DEBTOR'S COMPLETION OF REQUIRED  
FINANCIAL MANAGEMENT COURSE**



WHEREAS, on October 20, 2005, this Court issued Standing Order #05-02 Adoption of Interim Revised Bankruptcy Rules, National Bankruptcy Forms, and Local Bankruptcy Forms as to Cases Filed on or After October 17, 2005; and

WHEREAS, on September 19, 2006, the Judicial Conference approved an amendment to Interim Revised Bankruptcy Rule 1007, and a new *Exhibit D* to *Official Form 1*, as well as amendments to *Official Forms 1, 5, 6, 9, 22A, 22C, and 23*, to be effective on October 1, 2006; and

WHEREAS the amended Official Form 23 *Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management* (Exhibit A) no longer requires that a certificate from the provider of the course be attached to Official Form 23 and instead mandates that the debtor file a certification of completion; and

WHEREAS Federal Rule of Bankruptcy Procedure 1007(c)(7) [Interim] states:

An individual debtor in a chapter 7 or chapter 13 case shall file a statement regarding completion of a course in personal financial management, prepared as prescribed by the **appropriate Official Form** (emphasis added).

NOW THEREFORE, IT IS HEREBY ORDERED that effective October 1, 2006, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the Amendment to Interim Rule 1007 (Exhibit B) is adopted in its entirety, to conform with the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA"); and for cases and proceedings not governed by BAPCPA, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply.

IT IS FURTHER ORDERED that the Interim Revised Rules as adopted by this court on October 20, 2005, and as amended by Amendment to Interim Revised Rule 1007 shall remain in effect until further Order of the Court; and the national forms approved by the Judicial Conference on September 19, 2006, except as provided below, are adopted, as of October 1, 2006;

IT IS FURTHER ORDERED that effective December 1, 2006, a certificate from a financial management course provider will no longer be accepted by this Court as proof of completion of the course required under § 727(a)(11). Every individual debtor in a chapter 7 or 13 must file the Official Form 23 *Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*. Failure to file Official Form 23 by the 45<sup>th</sup> day after the first meeting of creditors in a chapter 7 case, or the date either the last payment is due from the debtor (under the terms of the confirmed plan) or the date the debtor files a motion for entry of discharge under § 1328(b) in a chapter 13 case, may result in the case being closed without a discharge.

SO ORDERED.

Rutland, Vermont  
October 3, 2006



Colleen A. Brown  
United States Bankruptcy Judge

United States Bankruptcy Court  
\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_, Case No. \_\_\_\_\_  
Debtor Chapter \_\_\_\_\_

**DEBTOR'S CERTIFICATION OF COMPLETION OF INSTRUCTIONAL COURSE CONCERNING  
PERSONAL FINANCIAL MANAGEMENT**

*Every individual debtor in a chapter 7 or chapter 13 case must file this certification. If a joint petition is filed, each spouse must complete and file a separate certification. Complete one of the following statements and file by the deadline stated below:*

I, \_\_\_\_\_, the debtor in the above-styled case, hereby  
(Printed Name of Debtor)  
certify that on \_\_\_\_\_ (Date), I completed an instructional course in personal financial management  
provided by \_\_\_\_\_, an approved personal financial  
(Name of Provider)  
management provider.

Certificate No. : \_\_\_\_\_.

I, \_\_\_\_\_, the debtor in the above-styled case, hereby  
(Printed Name of Debtor)  
certify that no personal financial management course is required because of [Check the appropriate box.]:  
 Incapacity or disability, as defined in 11 U.S.C. § 109(h);  
 Active military duty in a military combat zone; or  
 Residence in a district in which the United States trustee (or bankruptcy administrator) has determined that  
the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise  
be required to complete such courses.

Signature of Debtor: \_\_\_\_\_

Date: \_\_\_\_\_

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*Instructions:* Use this form only to certify whether you completed a course in personal financial management. (Fed. R. Bankr. P. 1007(b)(7).) Do NOT use this form to file the certificate given to you by your prepetition credit counseling provider and do NOT include with the petition when filing your case.

*Filing Deadlines:* In a chapter 7 case, file within 45 days of the first date set for the meeting of creditors under § 341 of the Bankruptcy Code. In a chapter 13 case, file no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of a discharge under § 1328(b) of the Code. (See Fed. R. Bankr. P. 1007(c).)

**Exhibit A**

*Text of Amendment to Proposed Interim Rule 1007.*

**Interim Rule 1007. Lists, Schedules, and Statements, and Other Documents; Time Limits<sup>1</sup>**

1

\* \* \* \* \*

2

(b) SCHEDULES, STATEMENTS, AND OTHER

3

DOCUMENTS REQUIRED.

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\* \* \* \* \*

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(3) Unless the United States trustee has determined

6

that the credit counseling requirement of § 109(h) does not

7

apply in the district, an individual debtor must file ~~the~~

8

~~certificate and debt repayment plan, if any, required by~~

9

~~§ 521(b), a certification under § 109(h)(3), or a request for a~~

10

~~determination by the court under § 109(h)(4). a statement of~~

11

compliance with the credit counseling requirement, prepared

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\* The amendments are proposed to Interim Rule 1007. Therefore, the underlined additions and the strikeout deletions are to the Interim Rule adopted by the courts on or about October 17, 2005, and not to the existing national rule. This amendment is intended to operate along with the adoption of the amendments to Official Form 1, the voluntary petition.

12 as prescribed by the appropriate Official Form which must  
13 include one of the following:

14 (A) an attached certificate and debt repayment  
15 plan, if any, required by § 521(b);

16 (B) a statement that the debtor has received the  
17 credit counseling briefing required by § 109(h)(1) but does  
18 not have the certificate required by § 521(b);

19 (C) a certification under § 109(h)(3); or

20 (D) a request for a determination by the court  
21 under § 109(h)(4).

22 \* \* \* \* \*

23 (c) TIME LIMITS. In a voluntary case, the schedules,  
24 and statements, and other documents required by subdivision  
25 (b)(1), (4), (5), and (6) shall be filed with the petition or  
26 within 15 days thereafter, except as otherwise provided in  
27 subdivisions (d), (e), (f), and (h) of this rule. In an  
28 involuntary case, the list in subdivision (a)(2), and the  
29 schedules, statements, and other documents required by

30 subdivision (b)(1) shall be filed by the debtor within 15 days  
31 of the entry of the order for relief. ~~The documents required by~~  
32 ~~subdivision (b)(3) shall be filed with the petition in a~~  
33 ~~voluntary case. The statement required by subdivision (b)(7)~~  
34 ~~shall be filed by the debtor within 45 days after the first date~~  
35 ~~set for the meeting of creditors under § 341 of the Code in a~~  
36 ~~chapter 7 case, and no later than the last payment made by the~~  
37 ~~debtor as required by the plan or the filing of a motion for~~  
38 ~~entry of a discharge under § 1328(b) in a chapter 13 case.~~  
39 The statement required by subdivision (b)(8) shall be filed by  
40 the debtor not earlier than the date of the last payment made  
41 under the plan or the date of the filing of a motion for entry of  
42 a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). In  
43 a voluntary case, the documents required by paragraphs (A),  
44 (C), and (D) of subdivision (b)(3) shall be filed with the  
45 petition. Unless the court orders otherwise, if the debtor has  
46 filed a statement under subdivision (b)(3)(B), the documents  
47 required by subdivision (b)(3)(A) shall be filed within 15 days

48 of the order for relief. In a chapter 7 case, the debtor shall file  
49 the statement required by subdivision (b)(7) within 45 days  
50 after the first date set for the meeting of creditors under § 341  
51 of the Code, and in a chapter 13 case no later than the date  
52 when the last payment was made by the debtor as required by  
53 the plan or the filing of a motion for a discharge under  
54 § 1328(b). The debtor shall file the statement required by  
55 subdivision (b)(8) no earlier than the date of the last payment  
56 made under the plan or the date of the filing of a motion for  
57 a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of  
58 the Code. Lists, schedules, statements, and other documents  
59 filed prior to the conversion of a case to another chapter shall  
60 be deemed filed in the converted case unless the court directs  
61 otherwise. Except as provided in § 1116(3), any extension of  
62 time for the filing of the schedules, statements, and other  
63 documents required under this rule may be granted only on  
64 motion for cause shown and on notice to the United States  
65 trustee, ~~and to~~ any committee elected under § 705 or

66 appointed under § 1102 of the Code, trustee, examiner, or  
67 other party as the court may direct. Notice of an extension  
68 shall be given to the United States trustee and to any  
69 committee, trustee, or other party as the court may direct.

#### COMMITTEE NOTE

Subdivision (b)(3) of the rule is amended to require the debtor to file an Official Form relating to the credit counseling requirement provided by the 2005 amendments to § 109. Official Form 1 includes statements that warn the debtor of the consequences of failing to comply with the credit counseling requirement. The rule also provides that the debtor may file a statement that the debtor has received credit counseling but has not yet received a certificate from the credit counseling provider. Subdivision (c) is amended to permit the debtor to file the certificate and debt repayment plan within 15 days after the filing of the petition if a Rule 1007(b)(3)(B) statement is filed.

Other changes are stylistic.

\* \* \* \* \*