

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
James J. Waldron, Clerk

MARCH 2006



THIS NOTICE IS INTENDED TO ALERT NEW JERSEY CM/ECF USERS OF NEW DEVELOPMENTS AND HIGHLIGHT ISSUES THAT REQUIRE IMMEDIATE ATTENTION.

CERTIFICATION OF CREDIT COUNSELING

Since the effective date of BAPCPA, the court has emphasized that separate Credit Counseling Certificates need to be filed for each debtor in a joint debtor case. This was accomplished using two separate docketing events: *Certificate of Credit Counseling* and *Certificate of Credit Counseling (Joint Debtor)*. It is no longer necessary to use the *Joint Debtor* event.

PROCEDURAL GUIDANCE. The *Certification of Credit Counseling* event has been modified to include a Joint Debtor screen. E:Filers only need to use this event to satisfy the requirement for both debtors. If joint debtors are given separate certificates, both certificates may be uploaded in this one event.

FINANCIAL MANAGEMENT COURSE

Similar to the above, the court has emphasized that separate Financial Management Course Certificates (Form 23) need to be filed for each debtor in a joint debtor case using two separate docketing events: *Financial Management Course* and *Financial Management Course (Joint Debtor)*. The former has been modified to include a Joint Debtor screen. E:Filers only need to use this event to satisfy the requirement for both debtors.

FINANCIAL MANAGEMENT COURSE (continued)

The court is issuing Deficiency Notices for failure to file the Financial Management Course Certificate (Form B23). Debtors have 30 days from the date of the court's Deficiency Notice to file Form B23 or the case will be closed without a discharge. Form B23 is posted on our website under *Forms - New Official Forms (eff. 10/17/05)*.

As a reminder, individual Chapter 7 and 13 debtors must attend a Financial Management Course before receiving a discharge. Both debtors in a joint debtor case must attend. US Trustee approved Financial Management Courses are posted on our website under the BAPCPA link and scroll down to *Information from the United States Trustee Web Site*. Upon completing the course, e:file Form B23 using *Miscellaneous Events - Financial Management Course*.

PROCEDURAL GUIDANCE:

1. In Chapter 7 cases, Form B23 must be filed within 45 days of the 341(a) meeting. The deadline for filing Form B23 is calculated in CM/ECF when the US Trustee appoints a panel trustee and schedules the 341 meeting. The due date for filing Form B23 is reflected in the resulting *Appointment of Trustee / Meeting of Creditors* docket entry. The court will issue a *Notice of Deficiency - Financial Management Course* upon expiration of the 45 day deadline if Form B23 is not filed.
2. In Chapter 13 cases, Form B23 must be filed no later than the date of the last plan payment. CM/ECF does not calculate the due date in Chapter 13 cases and attorneys must monitor this requirement internally. The court will review Chapter 13 cases for compliance after the trustee files the Final Report. If Form B23 is not filed, a *Notice of Deficiency - Financial Management Course* will be issued.
3. If applicable, debtors may file a Motion for Exemption from Financial Management Course.

PRO HAC VICE

This issue was addressed in the February *Notice to E: Filers*. Please be aware that one final change was made to the court's proposed form of order posted on our site under *Forms - Miscellaneous Forms*. The following language was added in the second ORDERED paragraph on page 2:

“ . . . said fee to be deposited within twenty (20) days of the date of the entry of this Order . . .”.

CHAPTER 13 AND CHAPTER 7 DEBTORS SHOULD NOT FILE TAX RETURNS WITH THE COURT

Chapter 13 and Chapter 7 debtors must file a copy of their most recent tax returns **with the Trustee no later than 7 days prior to the 341(a) meeting** (11 U.S.C. §521(e)(2)(A)(I)). Since the effective date of BAPCPA, the Court continues to find tax returns erroneously on the public docket either as a separate document or as part of the petition package. E:Filers are reminded of the *Judicial Conference Policy on Privacy and Public Access* and should review the three notices posted on our website under **General Info - News & Announcements - Show Older Announcements**. Please scroll down to **Notice to Bar and Public Re Privacy Issues, Vol. I, II and III** dated October 27, 28 and November 5, 2003. The Court would like to highlight the following paragraphs taken from the October 28, 2003 notice:

You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected, will be made available over the Internet via WebPacer. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth and names of minor children.

... It is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the requirements of this Court regarding redaction of personal data identifiers.

The Clerk will not review each pleading for redaction. If documents are filed with the full Social Security number or other personal identifiers, the documents will be available electronically with all of the information they contained when filed.

ATTN: CHAPTER 13 TRUSTEES

A new Batch Filing event is now available, *Chapter 13 Trustee Final Report - Completing (batch)*.

NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER SECTION 342(b)

The court receives numerous calls asking for the location of this form. This form is known as B201 and is posted on our website under *Forms - Miscellaneous Forms - Notice to Individual Consumer Debtors*. It is also posted on our website under *Forms - AO Procedural Forms* and scroll down to *B201*.

PROCEDURAL GUIDANCE: Attorneys do not need to submit B201 if *Exhibit B* on page 2 of the Voluntary Petition is signed by the attorney for the debtor.

ORDER ON APPLICATION TO WAIVE CHAPTER 7 FILING FEE

The court has posted a proposed form of order on our website under *Forms - Miscellaneous Forms*.

FILING FEE REFUND POLICY

Please be aware that the *Judicial Conference of the United States Courts* prohibits, in general, the refunding of filing fees. However, the court recognizes that systems and technical problems may occur which warrant the refunding of a filing fee.

PROCEDURAL GUIDANCE: The court will entertain refund requests by application to the appropriate judge. E:Filers should use the *Application - Generic* event in the *Motions/Applications* category. Please upload a proposed form of order as an attachment to the application.

Pleadings that require a fee are clearly labeled (**Fee**) in the CM/ECF drop down lists and these events contain screens that provide the fee information. In addition, credit card payment screens will display before the final submission button is hit. E:Filers should be certain that the event and related fee are appropriate.
