

From: Laura Bartell
To: RulesCommittee Secretary
Subject: Suggested Amendment to Bankruptcy Forms 309
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The first time the debtor receives any formal communication from the court in connection with a bankruptcy filing is when the debtor receives a version of Official Form 309, the notice of filing of the bankruptcy case. Individual debtors filing under Chapter 7 will receive either Official Form 309A (Notice of Chapter 7 Bankruptcy Case – No Proof of Claim) or Official Form 309B (Notice of Chapter 7 Bankruptcy Case – Proof of Claim). Individual debtors filing under other chapters receive comparable forms.

Although the notices are primarily directed at the creditors, each expressly states in bold font that “**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**” Line 7 of this notice is the method by which debtors receive formal notice of the date, time and location of their § 341 meetings. The marginal text associated with line 7 is expressly directed at the debtor and states: “Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.” In line 8 of Official Forms 309A, 309B and 309G (line 7 of Official Form 309E and line 10 of Official Form 309I), the clerk sets out various deadlines, such as for objecting to discharge, asserting that a creditor’s debt is not subject to discharge, objecting to the debtor’s claimed exemptions, and for filing proofs of claim, as applicable.

My suggestion is to add another provision to the line relating to deadlines in the various versions of Official Form 309 applicable to individuals to read as follows:

Deadline to File Financial Management Course Certificate: **Filing deadline:** _____

After filing for bankruptcy, the debtor must take an approved course about personal financial management and file the certificate showing completion of the course with the court.

That deadline is certainly as important to the debtor as the deadlines relating to objecting to discharge or dischargeability or filing proofs of claim are to the creditors. Providing the debtor early and official notice of the requirement would encourage early compliance.

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