



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO  
José V. Toledo Post Office & Courthouse Federal Building  
300 Recinto Sur St, Suite 109  
San Juan, Puerto Rico 00901

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## Notice to the Bar and the Public

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### Re: Interim Rule 1007-1 And Revised Bankruptcy Form 22A

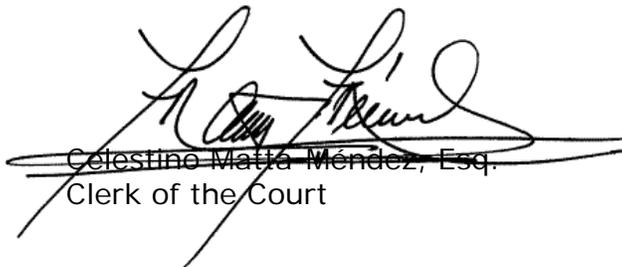
The National Guard and Reservists Relief Debt Act of 2008, Pub.L. No. 110-438, enacted on October 20, 2008 (the "Act"), amends § 707(b)(2)(D) of the Bankruptcy Code to provide for temporary exclusion from the bankruptcy means test for certain members of the National Guard and reserve components of the Armed Forces.

The Judicial Conference recommended that the courts adopt Interim Bankruptcy Rule 1007-1 to take account of this legislation. The Court entered General Order 08-02 adopting the same. In addition, the Judicial Conference has approved amended Official Form 22A (Statement of Current Monthly Income and Means Test Calculation) which includes a new Part I (1C) for qualifying debtors to invoke the temporary exclusion from the means test. Qualifying debtors should indicate that the presumption is temporarily inapplicable where specified in the form, complete part I (1C) and complete verification at Part VIII.

If the exclusion period ends while the chapter 7 case is pending and during that time a motion to dismiss under § 707(b)(2) is filed, the debtors must, no later than 14 days after the temporary exclusion expires, complete (and file with the Clerk) the remaining parts of Form 22A.

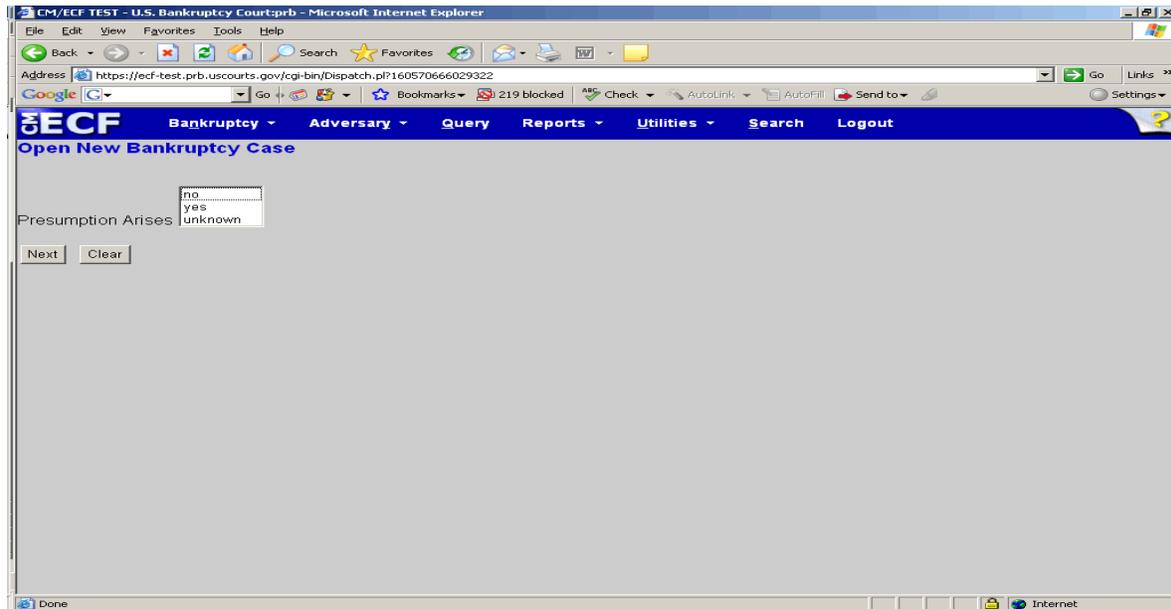
**The Interim Bankruptcy Rule 1007-1 and the amended form will be effective on December 19, 2008**, coinciding with the effective date of the Act. General Order 08-02, Form 22A, and training materials are available on the Court's website at <http://www.prb.uscourts.gov/>.

In San Juan, Puerto Rico, this 19<sup>th</sup> day of December 2008.

  
Celestino Matía Méndez, Esq.  
Clerk of the Court

## Implementing the National Guard and Reservist Debt Relief Act of 2008

1) Open the case as usual and set the presumption of abuse flag screen display. (See below)



If the case is filed by an individual debtor **who qualifies for the exclusion** as a member of the National Guard or Reserves, set the presumption of abuse flag to MEANSNO. If the case is filed by joint debtors, set the flag to whatever value is appropriate for debtor who is not in the National Guard or Reserves. (See table below)

If;	And:	Then:
One debtor has an exclusion	there is no presumption of abuse for the second debtor	set the presumption of abuse flag to MEANSNO
One debtor has an exclusion	there is a presumption of abuse for the second debtor	set the presumption of abuse flag to MEANSYES
One debtor has an exclusion	the presumption of abuse is unknown	se the presumption abuse flag to MEANSU
One debtor has an exclusion	the second debtor also claims an exclusion	set the presumption of abuse to MEANSNO

2) Docket a new event called ‘Statement of Debtor’s Temporary Exclusion from Means Test.’ This new event will set a flag (MEANSTMPEX) indicating that debtor is temporarily excluded from filing the means test. If the debtor is no longer on active duty, the date on when their service ended must be included to establish the date when the temporary exclusion ends. Below is a screen that shows the mentioned event.

CM/ECF - U.S. Bankruptcy Court:prb - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <https://ecf.prb.circ1.dcn/cgi-bin/Dispatch.pl?684414142832089>

Google  Go  219 blocked

**ECF** Bankruptcy Adversary Query Reports Utilities Search Logout

**Miscellaneous**

[08-02525-BKT13 ALFREDO RAUL MONTALVO TOLEDO](#)

Type: bk Chapter: 13 v Office: 3 (Old San Juan)  
 Judge: BKT Assets: y Case Flag: CONFIRMED

Start typing to find another event. Hold down Ctrl to add additional items.

**Available Events** (click to select events)

- Schedule E (v3.1)
- Schedule F (v3.1)
- Schedule G (v3.1)
- Schedule H (v3.1)
- Schedule I (v3.1)
- Schedule J (v3.1)
- Statement Of Financial Affairs
- Statement in Support of Reaffirmation Agreement (v2.7)
- Statement of
- Statement of Debtor's Temporary Exclusion from Means Test**
- Statement of Good Faith (v2.7)
- Statement of Operations (v2.7)
- Statistical Summary of Certain Liabilities (v3.1)
- Subpoena
- Summary of Schedules and Schedules (v3.1)
- Tax Documents (v2.7)
- Transcript Redaction Request

**Selected Events** (click to remove events)

- Statement of Debtor's Temporary Exclusion from Means Test

3) If the debtor is released from active duty later in the case, the case attorney must docket the event “Release from Active Duty” for one or both debtors in a joint case. This event will be used if the debtor or joint debtor requests the temporary exclusion and will set the end of the exclusion date. (See screen below)

