



UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI
THOMAS F. EAGLETON U.S. COURTHOUSE
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PUBLIC NOTICE

Please take note that on October 20, 2008, the President signed the National Guard and Reservists Debt Relief Act of 2008, Pub.L. 110-438, which amends section 707(b)(2)(D) of the Bankruptcy Code to provide a temporary exclusion from the means test for National Guardsmen and Reservists called to active duty or homeland defense activity after September 11, 2001, for at least 90 days.

The amendment to section 707(b)(2)(D) of the Bankruptcy Code will be effective on December 19, 2008 - 60 days after it was signed by the President, and it will apply in cases filed during the ensuing three years. Official Form 22A, Statement of Current Monthly Income and Means Test Calculation, will be amended effective December 19, 2008 to permit qualifying debtors to invoke the exclusion.

Because the temporary exclusion expires 540 days after the debtor is released from active duty or is no longer performing homeland defense activities, the exclusion may expire while some chapter 7 debtors' cases are pending, and at a point when a timely motion to dismiss the debtor's case may still be filed under section 707(b)(2). A debtor whose exclusion expires under such circumstances will be required to complete the means test computation form no later than 14 days after the expiration of the exclusion and the Clerk of the Bankruptcy Court will give such debtors notice of the need to complete the means test. Because the temporary exclusion will be effective before the normal rule-making process can be completed, the Judicial Conference of the United States has drafted and approved, and the Court has ordered the adoption of Interim Rule 1007-I.

The Court's Order, Interim Rule 1007-I, and a clean copy of Fed. R. Bankr. P. 1007 with Interim Rule 1007-I incorporated can be found in the Rules section of the Court's web site under Business Orders of the Court by clicking [here](#). Revised Official Form 22A can be found [here](#) (with Committee Note [here](#)). Interim Rule 1007-I will become effective on December 19, 2008, the effective date of the legislation.

Dana C. McWay
Clerk of Court

December 15, 2008