

**NATIONAL GUARD AND RESERVISTS
DEBT RELIEF ACT OF 2008**

Updated 11/17/2021

Description: This process shows the steps required for an external user to file a Statement of Debtor's Temporary Exclusion from the Means Test and a Release from Active Duty on CM/ECF.

This process only applies in Chapter 7 individual cases. The Statement of Debtor's Temporary Exclusion from the Means Test should be filed with the petition. The event indicates that the debtor is excluded from means testing pursuant to 11 U.S.C. § 707(b)(2)(D)(ii). This event may be used if the debtor is on active duty on the petition date or was released from active duty within 540 days prior to the petition date.

If the debtor is on active duty on the petition date, the user should file a Release from Active Duty once the debtor is no longer performing homeland defense activities.

REMINDER: Official Form 122A-1 Supp is revised (December 1, 2015) and new part 1C has been added to Form 122A-1 Supp (Statement of Current Monthly Income and Means Test Calculation) for National Guard or Reservists claiming exemption from the means test.

**STATEMENT OF DEBTOR'S TEMPORARY EXCLUSION
FROM THE MEANS TEST**

STEP 1 - Click on the **Bankruptcy** hyperlink on the CM/ECF Main Menu Bar.

STEP 2 - The BANKRUPTCY EVENTS screen displays.

- Click on the **Other** hyperlink.
- For further information on each of these categories, click the **Help** button located on the CM/ECF

menu bar.

STEP 3 - The CASE NUMBER screen displays.

- Enter the case number for the appropriate case.
- Click the [Next] button.

STEP 4 - The EVENTS screen displays.

- Select **Statement of Debtor's Temporary Exclusion from Means Tests** from the events list or start typing "Statement" in the text box to find the event.
- Click the [Next] button.

STEP 5 - The JOINT FILING screen displays.

- Click in the box if document is being filed with another attorney.
- Click the [Next] button.

STEP 6 - The SELECT PARTY screen displays.

- Select the party that the filing attorney is representing from the list.
- If the correct party does not appear in the drop-down box, click **Add/Create New Party** and complete the information.
- This event can be used for filing a Statement of Debtor's Temporary Exclusion from Means Tests for the debtor, the joint debtor or for both. Please select the party accordingly.

NOTE: If both the debtor and joint debtor are selected, the following process is repeated for each party so separate deadlines are created.

- Click the [Next] button.

STEP 7 - The ASSOCIATION screen appears.

- Click box to associate filing attorney with the filing party.
- Click the [Next] button.
- Click the [Next] button again.

STEP 8 – Select the PARTY who is temporary excluded from means testing pursuant to 11 U.S.C § 707(b)(2)(D).

- Select from the drop-down menu the party (debtor, joint debtor or both) who is temporary excluded from means testing pursuant to 11 U.S.C. § 707(b)(2)(D).

NOTE: If both the debtor and joint debtor are selected, the following process is repeated for each party so separate deadlines are created.

- Click the [Next] button

STEP 9 – The PARTY requesting Temporary Exclusion screen displays.

- Select from the drop-down menu (**yes or no**) if the debtor is claiming temporary exclusion serving on active duty (reserves or in homeland defense activities). Select **yes** if the debtor is still serving on active duty¹. Select **no** if the debtor is no longer on active duty.

NOTE: If both debtors have been selected, the question will be presented separately for each debtor.

- Click the [Next] button.

STEP 10 - The FINAL DOCKET TEXT screen displays.

- This is the last opportunity to verify the accuracy of the information. Submission of this screen is final.
- If the final docket text is incorrect, click the browser [**Back**] button to find the screen needed to modify.

NOTE: If the [**Back**] button is used and case information is altered, you must use the [**Next**] button and resubmit for each screen or the changes will not take effect. In other words, do not use the [**Forward**] button on the browser if you alter information on a previous screen.

- To abort or restart the transaction, click the Bankruptcy hypertext link on the Menu Bar.
- The Final Docket Text below shows the release date from active duty of the joint debtor and the date the temporary exclusion expires for the joint debtor. CM/ECF automatically sets the deadline for the temporary exclusion.

¹ If debtor is released from active duty while the case is pending, the debtor should docket a “Release from Active Duty.”

Sample Docket Text: Final Text – Debtor Released Prior to Petition

The presumption of abuse is temporarily inapplicable. RE: 707(b)(2)(D)(ii) National Guard and Reservists Debt Relief Act of 2008. The joint debtor was released from active duty or is no longer performing as a reservist or homeland defense activities. Date the joint debtor was released from active duty: 10/7/2021. Filed by Bill Attorney on behalf of Joe Debtor, Jane Debtor. The temporary exclusion for the joint debtor ends on 3/31/2023. (Attorney, Bill)

Sample Docket Text: Final Text – Debtor Still on Active Duty

The presumption of abuse is temporarily inapplicable. RE: 707(b)(2)(D)(ii) National Guard and Reservists Debt Relief Act of 2008. Filed by Bill Attorney on behalf of Joe Debtor. (Attorney, Bill)

- Click the [Next] button if the Final Text is correct.

STEP 11 - The NOTICE OF ELECTRONIC FILING screen displays.

- The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that the docket entry is now an official court entry on the docket. It is recommended that you print this screen for your records because it also includes the date, time, case number, and document number of the entry.

RELEASE FROM ACTIVE DUTY

Description: This process shows the steps required for an external user to file a Release from Active Duty on CM/ECF. This process should be used if a Chapter 7 debtor, excluded from means testing pursuant to 11 U.S.C. § 707 (b)(2)(D), is released from active duty during the pendency of the case. The entry of the Release from Active Duty will prompt CM/ECF to set a temporary exclusion deadline for one or both debtors in a joint case.

An external user should file a Release from Active Duty once the debtor is no longer performing homeland defense activities.

REMINDER: Official Form 122A-1 Supp is revised (December 1, 2015) and new part 1C has been added to Form 122A-1 Supp (Statement of Current Monthly Income and Means Test Calculation) for National Guard or Reservists claiming exemption from the means test.

STEP 1 - Click on the **Bankruptcy** hyperlink on the CM/ECF Main Menu Bar.

STEP 2 - The BANKRUPTCY EVENTS screen displays.

- Click on the **Other** hyperlink.
- For further information on each of these categories, click the **Help** button located on the CM/ECF menu bar.

STEP 3 - The CASE NUMBER screen displays.

- Enter the case number for the appropriate case.
- Click the **[Next]** button.

STEP 4 - The EVENTS screen displays.

- Select **Release From Active Duty** from the events list or start typing “Release” in the text box to find the event.
- Click the **[Next]** button.

STEP 5 - The JOINT FILING screen displays.

- Click in the box if document is being filed with another attorney.
- Click the **[Next]** button.

STEP 6 - The SELECT PARTY screen displays.

- Select the party that the filing attorney is representing from the list.
- If the correct party does not appear in the drop-down box, click **Add/Create New Party** and complete the information.
- This event can be used for filing a Release From Active Duty for the debtor, the joint debtor or for both. Please select the party accordingly.
- Click the **[Next]** button.

STEP 7 - The ASSOCIATION screen appears.

- Click box to associate filing attorney with the filing party.
- Click the **[Next]** button.
- Click the **[Next]** button again.

STEP 8 – Select the PARTY who has served in the Reserves or in Homeland Defense Activities and has been released from active duty.

- Select from the drop-down menu the party (debtor, joint debtor or both) who has been released from active duty.

NOTE: If both the debtor and joint debtor are selected, the following process is repeated for each party so separate deadlines are created.

- Click the **[Next]** button

STEP 9 – The PARTY requesting Temporary Exclusion screen displays.

- Select **no** since the debtor has been released from active duty.

NOTE: If both debtors have been selected, the question will be presented separately for each debtor.

- Click the **[Next]** button.

STEP 10 – The DATE Released from Active Duty screen displays.

- The “Enter the date Released from Active Duty” screen will appear. Insert the date of release from active duty.
- Click the **[Next]** button.
- CM/ECF calculates the exclusion deadline for the party that has been released from active duty. The deadline is the release date plus 540 days.

NOTE: Do not alter the calculations performed by CM/ECF.

- Click the **[Next]** button.
- Click the **[Next]** button again.

STEP 11 - The FINAL DOCKET TEXT screen displays.

- This is the last opportunity to verify the accuracy of the information. Submission of this screen is final.
- If the final docket text is incorrect, click the browser **[Back]** button to find the screen needed to modify.

NOTE: If the **[Back]** button is used and case information is altered, you must use the **[Next]** button and resubmit for each screen or the changes will not take effect. In other words, do not use the **[Forward]** button on the browser if you alter information on a previous screen.

- To abort or restart the transaction, click the Bankruptcy hypertext link on the Menu Bar.
- The Final Docket Text below shows the release date for the debtor and the date the temporary exclusion expires for the debtor. CM/ECF automatically sets the deadline for the temporary exclusion.

Sample Docket Text: Final Text

The presumption of abuse is temporarily inapplicable. RE: 707(b)(2)(D)(ii) National Guard and Reservists Debt Relief Act of 2008. The debtor was released from active duty or is no longer performing as a reservist or homeland defense activities. Date the debtor was released from active duty: 11/1/2021. Filed by Bill Attorney on behalf of Joe Debtor. The temporary exclusion for the debtor ends on 4/25/2023. (Attorney, Bill)

- Click the [Next] button if the Final Text is correct.

STEP 12 - The NOTICE OF ELECTRONIC FILING screen displays.

- The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that the docket entry is now an official court document. It is recommended that you print this screen for your records because it also includes the date, time, case number, and document number of the entry.