

National Guard and Reservists Debt Relief Act of 2008

On Oct. 20, 2008, the president signed the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438. The act provides a temporary exclusion from the bankruptcy means test for reservists and members of the National Guard called for no less than 90 days to active duty or homeland defense activity following Sept. 11, 2001. The amendment to section 707(b)(2)(D) of the Bankruptcy Code took effect on Dec. 19, 2008, 60 days after enactment. The amendment applies only to cases commenced in the three-year period beginning on the effective date of the act.

To accommodate this change, Official Form 22A, Statement of Current Monthly Income and Means Test Calculation, was amended to include a new Part 1C where qualifying debtors could invoke the exclusion. The Administrative Office of the U. S. Courts has worked with bankruptcy petition preparation software vendors to ensure they were aware of the change and were able to amend their software accordingly.

To provide some further clarification, a slide show has been posted to the court's Web site at the following link:

http://www.tneb.uscourts.gov/pdf/notices/Dbt_Relief_Temp_Ex.pdf

If you have questions, call you local Clerk's Office.