

**United States Bankruptcy Court
District of New Mexico**

Document Verification

Case Title: COURT ADMINISTRATIVE MATTERS v.
Case Number: 03-00001
Nature of Suit:
Judge Code:
Reference Number: 03-00001 -

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

Court Administrative Matters: Amendment
of Local Bankruptcy Rule 1002-1, Petition -
Disclosure of Non-filing Spouse; and Adoption
of Local Bankruptcy Rule 1007-5, Statement of
Social Security Number (Privacy), Including
Non-filing Spouse Information.

Case No. MP 03-001 M A

AMENDED
**A ORDER AMENDING LOCAL BANKRUPTCY
RULE 1002-1 AND ADOPTING LOCAL BANKRUPTCY RULE 1007-5**

It appears to the Court that:

1. The Judicial Conference of the United States adopted a policy regarding privacy and public access to electronic case files in September 2001;
2. Amendments to Fed. R. Bankr. P. 1005, 1007, and 2002(n), which are intended to implement the Judicial Conference's privacy policy, become effective on December 1, 2003;
3. The court's current local rule 1002-1 should be amended to protect the privacy interests of a non-filing spouse while still allowing the clerk to give notice of the bankruptcy case, meeting of creditors and deadlines (the § 341 notice) to the non-filing spouse;
4. Revision of the Court's automated case management programs to allow the clerk to give notice of the non-filing spouse information to the trustee, all creditors and indenture trustees and to maintain the privacy of the non-filing spouse's social security number would be prohibitively expensive and thus the burden of providing this information to parties in interest must be shifted to the individual debtor with a non-filing spouse;
5. Because amendments to the Federal Rules of Bankruptcy Procedure required to implement the

Judicial Conference policy become effective December 1, 2003, there is an immediate need for amendment of Local Bankruptcy Rule 1002-1 and for adoption of Local Bankruptcy Rule 1007-5, such that these changes to the local rules should be made without public notice and opportunity for comment, as authorized by 28 U.S.C. § 2071(e).

THEREFORE, in accordance with Fed. R. Bankr. P. 9029(a) and the March 19, 1992, Administrative Order of the United States District Court for the District of New Mexico (Misc. No. 84-0234; Addendum A to the Local Rules of the United States Bankruptcy Court for the District of New Mexico, October 1, 1996),

IT IS ORDERED that New Mexico Local Bankruptcy Rule 1002-1 be amended to read as follows:

RULE 1002-1 PETITION - DISCLOSURE OF NON-FILING SPOUSE

At the time of filing of a petition, an individual debtor shall file a separate statement containing the name and address of any non-filing spouse, or certifying that the debtor has no spouse. An individual debtor failing to file such a statement will be required to provide the notice of bankruptcy case, meeting of creditors and deadlines (the § 341 notice) to the non-filing spouse, and to file a certificate of service of the notice within two days thereafter. Failure to file the statement, to provide the notice, or to file the certificate of service may subject the individual debtor to sanctions, including dismissal of the case.

This amendment is effective December 1, 2003.

IT IS FURTHER ORDERED that the following be adopted as New Mexico Local Bankruptcy Rule 1007-5:

RULE 1007-5 STATEMENT OF SOCIAL SECURITY NUMBER (PRIVACY), INCLUDING NON-FILING SPOUSE INFORMATION

a. An individual debtor who fails to submit the verified statement of social security number required by Fed. R. Bankr. P. 1007(f) with the petition shall provide a copy of the statement to the trustee, all creditors and indenture trustees. Within two days thereafter, a certificate of compliance with this rule shall be filed with the clerk. Failure to provide the statement or to file the certificate of compliance may subject the individual debtor to

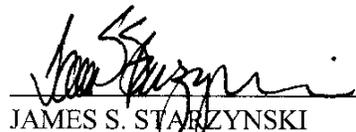
sanctions, including dismissal of the case.

b. Within five days of filing a petition, an individual debtor who has a non-filing spouse shall give the trustee, all creditors and indenture trustees notice by mail of the name, address, and the full 9-digit social security number (if known) of the non-filing spouse. The notice shall be verified by the debtor. Within two days thereafter, a certificate of compliance with this rule shall be filed with the clerk. Failure to provide the notice or to file the certificate of ~~service~~ ^{compliance} may subject the individual debtor to sanctions, including dismissal of the case.

Reference: 11 U.S.C. §342(a).

This rule is effective December 1, 2003.


MARK B. MCFEELEY
United States Bankruptcy Judge


JAMES S. STARZYNSKI
United States Bankruptcy Judge