

# **BANKRUPTCY <sup>UP</sup>DATE**

## **November 2, 2021**

If someone else would like to receive these <sup>UP</sup>dates, please send an e-mail to [Shan\\_Stroup@sdb.uscourts.gov](mailto:Shan_Stroup@sdb.uscourts.gov).

### **Power of Attorney or Guardianship**

When a debtor has given a written power of attorney appointing another person to act as an agent on his or her behalf, all documents normally signed by the debtor, including the petition, should be signed by the holder of the power of attorney as "[name of debtor] by POA [name of holder of power of attorney]." A copy of the power of attorney must be filed in CM/ECF when this signature is first used in the case (usually on the petition), either as part of the petition PDF document or attached to a captioned cover pleading dated and signed by the debtor's bankruptcy attorney. Similarly, if a debtor is under a formal guardianship, all documents should be signed by the guardian as "[name of debtor] by [name of guardian], Guardian." A copy of the guardianship order must be filed in CM/ECF when this signature is first used in the case, either as part of the petition PDF document or attached to a captioned cover pleading dated and signed by the debtor's bankruptcy attorney. A holder of a power of attorney or a guardian may **not** complete the pre-petition credit counseling or the post-petition financial management course on behalf of a debtor.

### **Link**

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