

THE BANKRUPTCY FORMS MODERNIZATION PROJECT

Effective December 1, 2015

Background

The Official Bankruptcy Forms that go into effect on December 1, 2015 are the result of a forms modernization project begun by the Judicial Conference Advisory Committee on Bankruptcy Rules in 2008. In addition to introducing different versions of case opening forms for individual debtors and non-individual debtors, the forms contain simplified language making them easier for both the legal community and pro se debtors to understand. As part of this project, the petitions, all schedules and other official forms were renumbered from two to three-digit numbers (sometimes followed by a letter).

What's Changing?

Voluntary Petition

- Separate forms for individual debtors and non-individual debtors.
- Bankruptcy petitions now have **five** separate forms:
 - B101, Voluntary Petition for Individuals Filing for Bankruptcy;
 - B201, Voluntary Petition for Non-Individuals Filing for Bankruptcy;
 - B105, Involuntary Petition Against an Individual;
 - B205, Involuntary Petition Against a Non-Individual; and
 - B401, Petition for Recognizing a Foreign Proceeding.
- New forms capture more categories of debtors' business descriptions for reporting purposes.
- Voluntary Petition form for Individuals is now **8** pages in length (previously, it was three).
- Exhibit C has been incorporated into Forms B101 and B20.
- Information from Exhibit D is now included within the petition eliminating the need for a separate form and docket entry.
- Language and instructions on all forms are simpler and easier to understand.
- Comprehensive instructions accompany the new forms.
- Schedules A (Real Property) and B (Personal Property) have been combined and are now a single form: **Schedule A/B: Property**.
- Schedules E (Creditors Holding Unsecured Priority Claims) and F (Creditors Holding Unsecured Nonpriority Claims) have been combined and are now a single form: **Schedule E/F: Creditors Who Have Unsecured Claims**.

How is CM/ECF Case Opening affected by these form changes? What screen changes will I see?

- Still just one docketing event for opening a voluntary case and one docketing event for opening an involuntary case
- New Nature of Debt field: “Other”
- Estimated Assets and Liabilities Code J has been expanded to 3 more levels ranging from \$1,000,000,001 to \$50 billion or more

Open New Voluntary Bankruptcy Case

Prior filing within last 8 years: no

Fee status: Paid

Nature of debt: **Nature of Debt: Business, Consumer, Other New**

Asset notice: business, consumer, other (New)

Estimated number of creditors: []

Estimated assets: []

Estimated liabilities: []

Small business: A (\$0 to \$50,000 (\$0 to \$10,000)), B (\$50,001 to \$100,000 (\$10,000 to \$100,000)), C (\$100,001 to \$500,000 (\$100,000 to \$1 million)), D (\$500,001 to \$1 million (\$1 million to \$100 million)), E (\$1,000,001 to \$10 million (More than \$100 million)), F (\$10,000,001 to \$50 million), G (\$50,000,001 to \$100 million), H (\$100,000,001 to \$500 million), I (\$500,000,001 to \$1 billion), ~~J (More than \$1 billion) - Deactivated for cases filed after 11/30/2015~~, **K (\$1,000,000,001 - \$10 billion), L (\$10,000,000,001 - \$50 billion), M (More than \$50 billion) - New**

Type of debtor: Individual, Corporation (includes LLC & LLP), Partnership, Other

Nature of business: Health Care Business, Single Asset Real Estate, Railroad, Stockbroker, Commodity Broker, Clearing Bank, None of the above

Disabled for individual debtors (points to Railroad and Clearing Bank)

- Two new Nature of Business options for non-individual filers have been added: Investment Company and Investment Advisor

Open New Voluntary Bankruptcy Case

Prior filing within last 8 years: no

Fee status: Paid

Nature of debt: []

Asset notice: []

Estimated number of creditors: []

Estimated assets: []

Estimated liabilities: []

Small business: n

New Nature of Business codes: Investment Company, Investment Advisor

Type of debtor: Individual, Corporation (includes LLC & LLP), Partnership, Other

Nature of business: Health Care Business, Single Asset Real Estate, Railroad, Stockbroker, Commodity Broker, Clearing Bank, None of the above

Other changed to None of the Above

Special categories: Tax-Exempt Entity, Investment Company, Investment Advisor (New)

NAICS code: 4, 4231 (Motor Vehicle and Motor Vehicle Parts and Supplies Merchant/Wholesalers)

Debtor is a shell company (New)

- New statistical business code for the North American Industry Classification System (NAICS) has been added. The NAICS is the standard used by Federal statistical agencies in classifying business types; collection of this code will allow the Administrative Office of the U.S. Courts to better respond to Congressional, Judiciary and public inquiries on types of bankruptcy filings.

Open New Voluntary Bankruptcy Case

Prior filing within last 8 years: no

Estimate: []
 Estimate: []
 Estimate: []

Small business: n

A plan is being filed with this petition.
 Acceptances of the plan were solicited prepetition
 Debtor is required to file periodic reports
 Debtor is a shell company *New*

Type of debtor:
 Individual
 Corporation (includes LLC & LLP)
 Partnership
 Other

Nature of business:
 Health Care Business
 Single Asset Real Estate
 Railroad
 Stockbroker
 Commodities Merchant
 Clearing Agent
 None of the above

Special categories *New*:
 Tax-Exempt Entity
 Investment Company
 Investment Advisor

NAICS code:
 4
 4231 (Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers)

Next Clear

New Chapter 11 Fields
 Debtor is Required to file periodic reports
 Debtor is a shell company

New NAICS business codes:

- New Nature of Foreign Proceeding Screen (Designed as an alternative for the filer who is not sure if it's a main or non-main proceeding):

Open New Voluntary Bankruptcy Case

Case type: bk Case number: []

Date filed: 4/30/2015 6:00 AM

Chapter: 15

Joint Petition: n

Deficiencies: n

Origin: Original

Main/Nonmain: Foreign main proceeding

New option: Foreign main proceeding, or in the alternative foreign nonmain proceeding

Next Clear

Foreign Main Proceeding
Foreign Nonmain Proceeding
Foreign Main Proceeding, or in the alternative, foreign Nonmain Proceeding

Schedules and Summary of Schedules

- Schedules are now separate forms with new form numbers for individual and non-individual debtor types. In cases where schedules have been combined (A/B and E/F), separate amounts are collected. You'll see separate prompts for each field when docketing those schedules.
- The expenses of Debtor 2 (when Debtor 2 resides in a separate household) have been separated out into a new form, 106J-2:

Part 1:	Describe Your Household
<p>1. Is this a joint case?</p> <p><input type="checkbox"/> No. Go to line 2.</p> <p><input type="checkbox"/> Yes. Does Debtor 2 live in a separate household?</p> <p style="padding-left: 40px;"><input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes. Debtor 2 must file Official Forms 106J-2, <i>Expenses for Separate Household of Debtor 2</i>.</p>	

Meeting of Creditor Notices

The current Meeting of Creditors Notice for Chapter 7 No Asset cases looks like this (note the form number, form title, and formatting):

Chapter 7 No Asset Case	
B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/12)	
UNITED STATES BANKRUPTCY COURT _____ District of _____	
Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines	
<p>[A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on _____ (date).] or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter _____ on _____ (date) and was converted to a case under chapter 7 on _____ (date).]</p> <p>You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.</p> <p style="text-align: center;">Creditors -- Do not file this notice in connection with any proof of claim you submit to the court. See Reverse Side for Important Explanations.</p>	
Debtor(s) (name(s) and address):	Case Number:
All other names used by the Debtor(s) in the last 8 years (include married, maiden, and trade names):	Last four digits of Social-Security or Individual Taxpayer-ID (ITIN) No(s)/Complete EDN:
Attorney for Debtor(s) (name and address):	Bankruptcy Trustee (name and address):
Telephone number:	Telephone number:
Meeting of Creditors	
Date: / /	Time: () A. M. Location:
	() P. M.

The **REVISED** Meeting of Creditors Notice (Form 309A) that you'll see beginning December 1, 2015 will look like this:

Chapter 7 No Asset Case	
Information to identify the case:	
Debtor 1 _____ First Name Middle Name Last Name	Last 4 digits of Social Security number or ITIN _____ EIN _____
Debtor 2 (Spouse, if filing) _____ First Name Middle Name Last Name	Last 4 digits of Social Security number or ITIN _____ EIN _____
United States Bankruptcy Court for the _____ District of _____ (State)	(Date case filed for chapter 7 _____) MM/ DD / YYYY OR
Case number: _____	(Date case filed in chapter _____) MM/ DD / YYYY
	(Date case converted to chapter 7 _____) MM / DD / YYYY

Official Form 309A (For Individuals or Joint Debtors)
Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

What's Different?

The form number has changed, a header to identify the case is now included at the top of page 1, and the language has been revised. **Please note that the 341 meeting date and time and pertinent case deadline information is located on page 2.**

How Should I Prepare for These Form Changes?

Here are the top 8 things you can do to make sure you're ready for December 1st:

1. If you haven't already done so, contact your bankruptcy software vendor **immediately** to ensure that the vendor plans to provide a timely and proper update to the software to meet the new forms requirements. **NOTE: We have been informed that the software company EZ Filing will no longer be providing services after the implementation of the new forms.**
2. Review new data and/or formatting requirements that have been incorporated into many of the official bankruptcy forms to ensure that your internal office procedures are properly adjusted to gather the required information during your client interviews.

3. Review the two distinct versions of the petition forms, remembering that one is for Individual Debtors and one is for Non-Individual Debtors.
4. Note that the current Exhibits B, C and D will be eliminated, with that information being incorporated into the petition. Exhibit A is now Official Form 201A.
5. Review the combined Schedule: A/B and Schedule: E/F.
6. Be certain that the entities/co-debtors listed on Schedules G and H are included on your official matrix.
7. Review new form 106J-2.
8. Review the resources related to these form changes on the [U.S. Courts Website](#).

Many of the forms associated with the individual voluntary petition have new names, including:

Original Form Name	Form Name Effective 12/01/2015
Voluntary Petition	Voluntary Petition for Individuals Filing for Bankruptcy
Application and Order to Pay Filing Fee in Installments	Application for Individuals to Pay the Filing Fee in Installments
Application for Waiver of Chapter 7 Filing	Application to Have the Chapter 7 Filing Fee Waived
Summary of Schedules	Summary of Your Assets and Liabilities and Certain Statistical Information
Schedule A – Real Property	Schedule A/B: Property
Schedule B – Personal Property	Schedule A/B: Property
Schedule C – Property Claimed as Exempt	Schedule C: The Property You Claim as Exempt
Schedule E –Creditors Holding Unsecured Priority Claims	Schedule E/F: Creditors Who Have Unsecured Claims
Schedule F – Creditors Holding Unsecured Nonpriority Claims	Schedule E/F: Creditors Who Have Unsecured Claims
Schedule H – Codebtors	Schedule H: Your Codebtors
Schedule I – Current Income of Individual Debtor(s)	Schedule I: Your Income
Schedule J – Current Expenditures of Individual Debtor(s)	Schedule J: Your Expenses
Statement of Financial Affairs	Your Statement of Financial Affairs for Individuals Filing for Bankruptcy
Declaration Concerning Debtor’s Schedules	Declaration About an Individual Debtor’s Schedules

New Docket Events were created for the new forms including:

- Declaration under Penalty of Perjury (for Non-Individual Debtors)
- Schedule A/B; Property
- Schedule E/F: Creditors Who Have Unsecured Claims
- Schedule J-2: Expenses for Separate Household of Joint Debtor
- Declaration about Individual Debtor's Schedules

Docket Events were modified to accommodate the new forms including:

CURRENT EVENT	NEW EVENT EFFECTIVE 12/1/2015
Application to Proceed In Forma Pauperis	Application to Have Chapter 7 Filing Fee Waived
Summary of Schedules –and- Statistical Summary of Certain Liabilities	Summary of Assets and Liabilities
Motion for Exemption from Credit Counseling	Motion for Waiver of Credit Counseling
20 Largest Unsecured Creditors	List of Creditors Who Have 20 Largest Unsecured Claims Against You and Are No Insiders

Docket Events to be deactivated and unavailable for use:

- Summary of Schedules
- Statistical Summary of Certain Liabilities
- Exhibit D (Individual Debtor’s Statement of Compliance with Credit Counseling Requirement)
- Declaration of Schedules
- Schedule A
- Schedule B
- Schedule E
- Schedule F

Additional changes may be needed once the new forms are in use. Please contact the Bankruptcy Court Clerk’s Office with any questions.