

Overview of Changes Effective 12/1/15 via California Central Bankruptcy (Video Transcript)

In 2008, an Administrative Office Advisory Committee began a national forms modernization project. The Committee revised all but six existing Official Bankruptcy Forms. In September, 2015, the Judicial Conference approved these revisions. The Advisory Committee made the revisions in order to:

1. Make the Official Bankruptcy Forms easier for debtors to understand and complete
2. Redesign official forms to work with scheduled enhancements to the federal courts' CM/ECF case management system

Some of these revised forms were introduced in 2012, 2013 and 2014, but on December 1, 2015 over 100 new or revised Official Bankruptcy Forms will become effective.

What has changed?

- Some forms are slightly modified (for example a new form number)
- Other forms have been entirely replaced with revised and reformatted versions
- Some brand new forms have been introduced
- Some familiar terms have changed. For example: joint debtor is now debtor 2 on the official bankruptcy form
- The preceding "B" in Official Form numbers has also been removed. For example: Form B1 is now Form 101

- New comprehensive instructions are incorporated into case opening forms
- Exhibits A, C and D are now incorporated into Voluntary Petition Forms
- New Voluntary Petition forms for non-individuals now exists
- New Involuntary Petition forms for non-individuals now exists
- Forms capture more non-individual business data

- Formerly, the Form B1 called Voluntary Petition is now divided into 2 new forms. The new Form 101 is called Voluntary Petition for Individuals Filing for Bankruptcy. And new Form 201 is called the Voluntary Petition for Non-Individuals Filing for Bankruptcy. The Chapter 15 questions have been removed from the former B1 Voluntary Petition are now their own Form 401 called Petition for Recognition of Foreign Proceeding.
- Form B5, formerly known as the Involuntary Petition has been divided into two new forms. New Form 105 is the Involuntary Petition Against an Individual and the New Form 205 is the Involuntary Petition Against a Non-Individual.

Closer Look at the Bankruptcy Petitions

- Bankruptcy Petition, Form 101, Voluntary Petition for Individuals:
 - New header
 - New form number and title
 - Primary Debtor = Debtor1 and Joint Debtor = Debtor 2
 - Chapter selection now on page 3
 - Page 5 replaces Official Form B1's "Exhibit D"
 - Page 6 has new categories and the "Notice of Available Chapters" (aka "Notice

- to Consumer Debtor(s)” has been incorporated into this page 6
 - Page 7 is the form page where the Attorney needs to sign. Debtors have instructions to file this form only if they have an attorney. So, there will be occasions when page 7 is not included in the bankruptcy petition.
 - Page 8 is the final page. It is the Bankruptcy Petition Preparer page.
- Bankruptcy Petition, Form 201, Voluntary Petition for Non-Individuals:
 - Entirely new Form
 - Unique header
 - Includes question 5 for the debtors website
 - Page 2 has a new field NAICS (North American Industry Classification System) a four digit code and includes a hyperlink.
 - Chapters 13 and 15 have been removed from this set of forms because those refer to individuals and foreign proceedings.
 - Page 3 now incorporates exhibit C
 - Page 4 is the final page. Attorneys sign and the signature line for non-attorney bankruptcy petition preparer has been removed.

Closer look at the Schedule Forms

- New form numbers and form names for most schedules
- There are now schedules for both Individual and Non-Individual debtors
- Schedules A and B have been combined into Schedule A/B
- Schedules E and F have been combined into Schedule E/F
- New Schedule for Individuals titled 106J-2, Expenses for Separate Household of Debtor 2. This form will be filed if a joint debtor or Debtor 2 lives in a separate household and has marked “Yes” in Part 1.
- New form names, numbers and format for most of the schedule forms
- Form 106Sum or the “Summary of Your Assets and Liabilities and Certain Statistical Information is actually the combination of two old forms, the “Summary of Schedules” and “Statistical Summary” forms.
- A couple brand new forms are Form 101A “Initial Statement About an Eviction Judgment Against You” and Form 101B, “Statement About Payment of an Eviction Judgment Against You” regarding a debtors eviction judgment.
- Form 121, “Statement About Your Social Security Numbers” was formerly Form B21 and a three part format and the EIN (Employers Identification Number) has been removed.
- Form 423, “Certification About Financial Management Course” was formerly Form B23, has a new look as is completely reformatted, new form number and title.
- Form 410, “Proof of Claim” was formerly Form B10, has been reformatted and has a new question on line 10.

Court Notices

- Court Notices have a new look. For example, the Chapter 7 Bankruptcy Case Court notice is now 3 pages and the Meeting Date and Time is now on page 2. An Email address for the attorney and trustee have been added.

Bankruptcy Petition Preparer

- Form 119, “Declaration and Signature of Bankruptcy Petition Preparer” and instructs the debtor and the bankruptcy petition preparer to attach this document to every document that is completed by a bankruptcy petition preparer and to file it; therefore, this document could appear on a court docket multiple times.

Summary

- 2015 Revised Nation Forms are effective December 1, 2015
- Most Official Bankruptcy Forms and court notices have been modified in some way. That’s over 100 forms!
- There are now voluntary petitions and schedules for both individuals and non-individual debtors
- The CM/ECF case management system will be updated to accommodate new data entry requirements.
- Impact on the court includes revised Local Bankruptcy Rules, Court Manual, court notices and some court procedures.

Thank you to CACB for creating this overview. For questions specific to WIWB or for more information, please contact the Court or Help Desk <http://www.wiwb.uscourts.gov>