Administrative Office of the U.S. Courts
Department of Technology Services

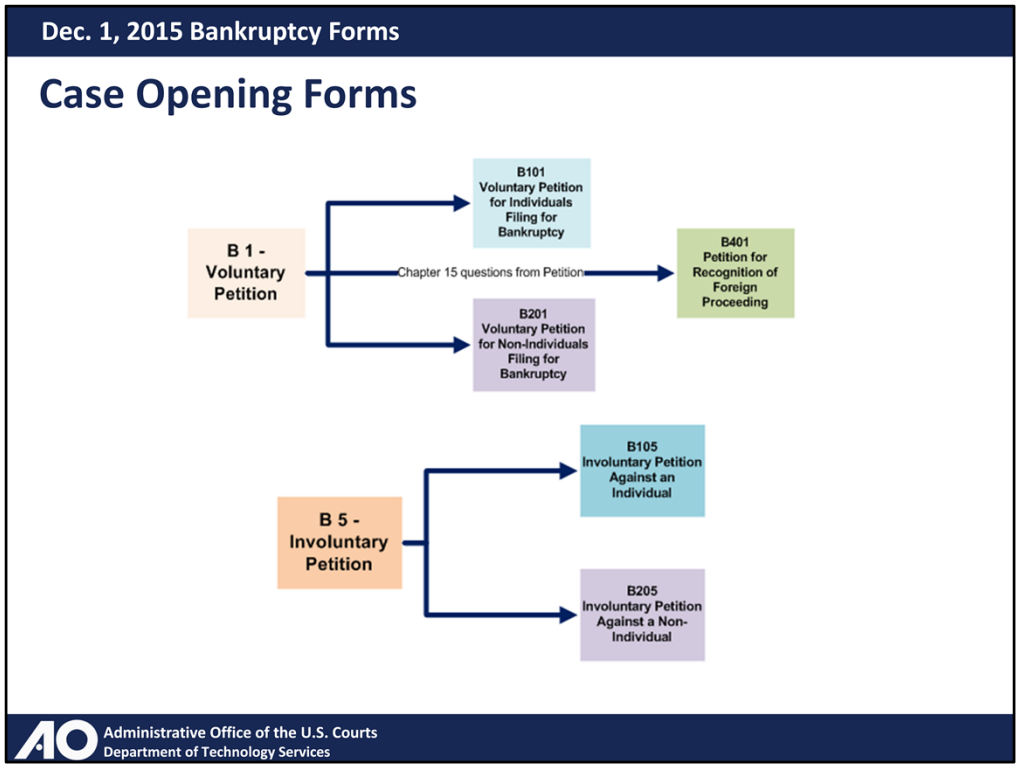
Official 2015 Bankruptcy Forms in CM/ECF Overview for Attorney

December 1, 2015

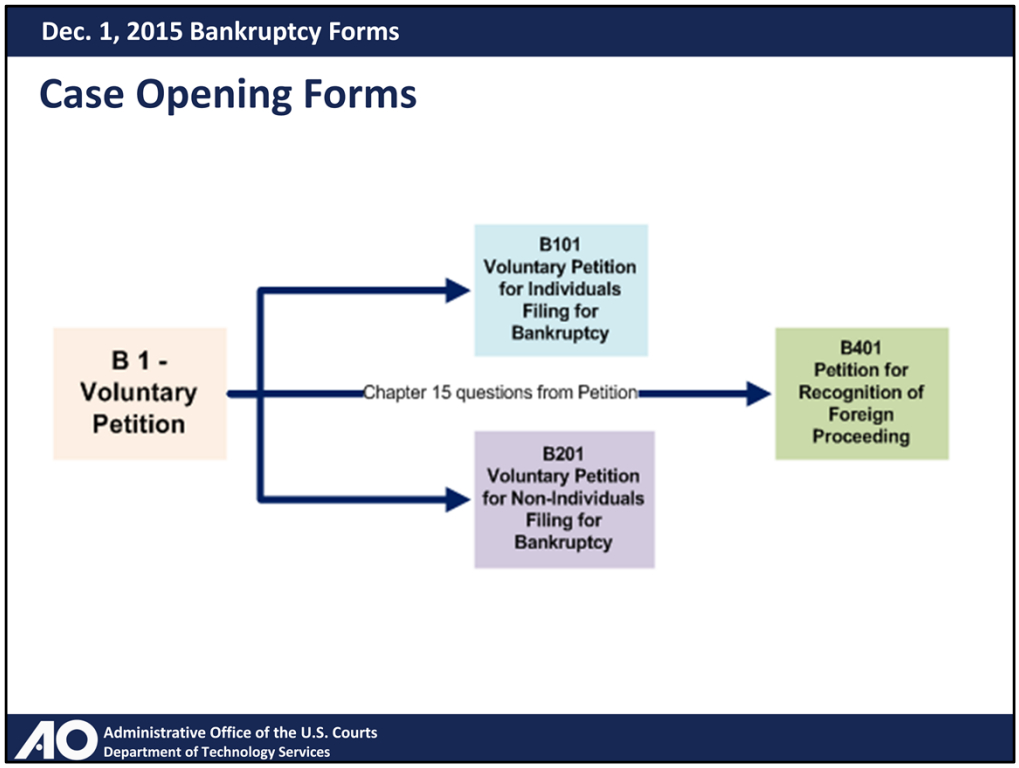
Implementing 2015 Forms in CM/ECF

- New Official Bankruptcy Forms will become effective December 1, 2015.
- The case opening process for voluntary and involuntary bankruptcy cases remains the same.
- CM/ECF bankruptcy case opening screens will be modified to include some changes to the new 2015 forms (petition and schedules).

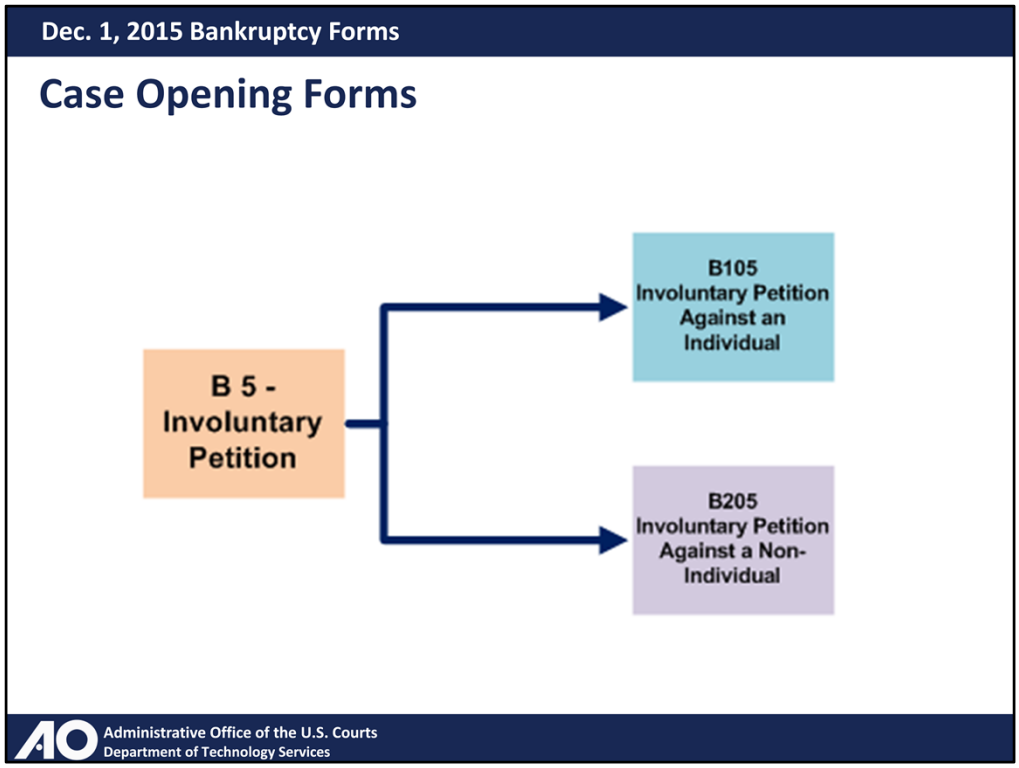
The Bankruptcy Forms Modernization Project is an initiative that will require filers to use new official bankruptcy forms as of December 1, 2015. The goal in this forms modernization project is to simplify the language to make it more understandable to both the legal community and debtors filing pro se. The petitions, all schedules and other official forms will be renumbered.



The biggest impact will be with the case opening petition forms. The current Voluntary and Involuntary petitions will be broken into 5 separate forms. Most of the form changes involve separating the forms by the type of debtor. So there are now separate forms for individual debtors and non-individual debtors. However, there will be one docketing event in most courts for a voluntary or involuntary petition.



The B1 Voluntary Petition form will now be separated into the B101 Voluntary Petition for Individuals, the B201 Voluntary Petition for Non-Individuals and there is now a separate B401 petition for a Chapter 15 Petition. There has been increased interest in specific kinds of business filings such as financial services, health care providers, churches, real estate brokers, etc., by Congress, the Judiciary, businesses, researchers and other federal agencies. The new forms and screen selections will now be able to capture more categories of debtors' business descriptions for reporting.



The B5 Involuntary Petition will also be separated by debtor type. There will be an Involuntary Petition against an Individual and an Involuntary Petition against a non-Individual. However, most courts will still use one docketing event for opening a voluntary case and one docketing event for opening an involuntary case.

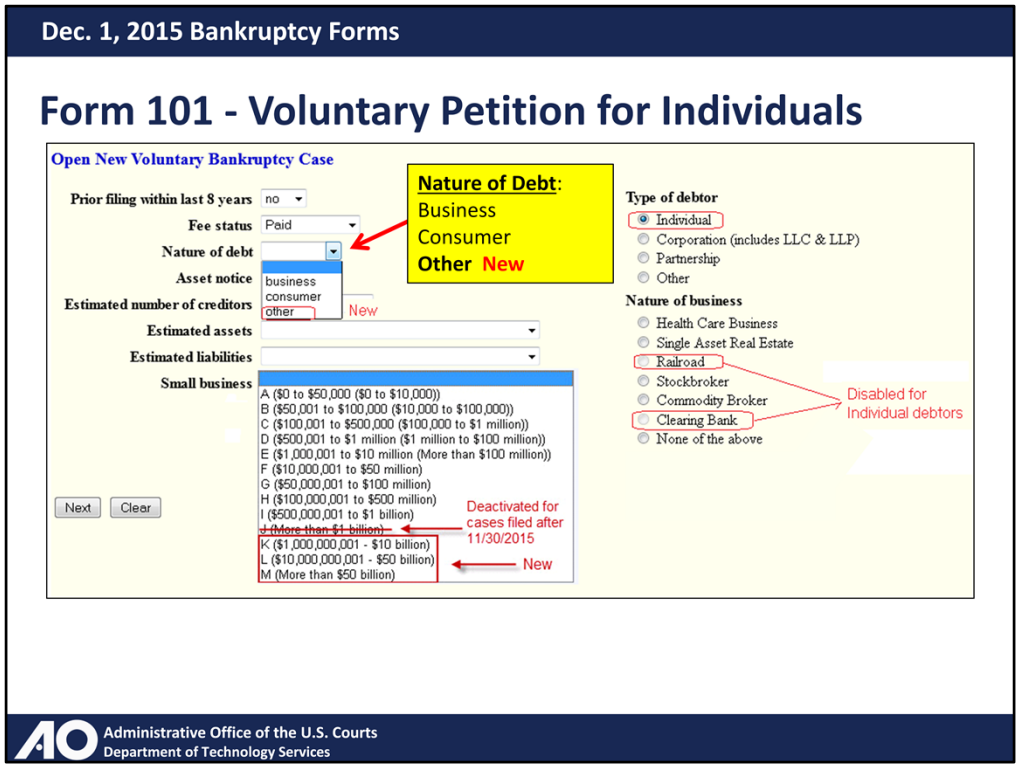
Case Opening Forms

Form B101 Voluntary Petition for Individual Debtors

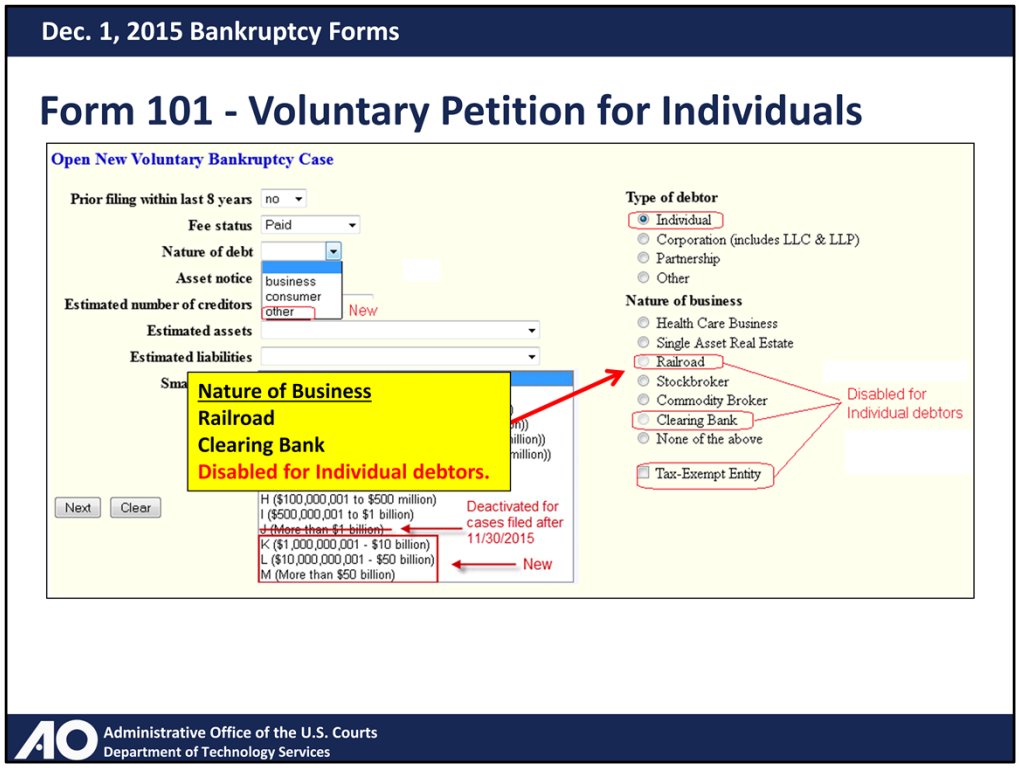
- This form is now 8 pages
- Includes credit counseling information, Exhibit D now included as part of the petition.
- Includes chapter 7 and 11 individual business data
- Language and instructions are now simpler on all forms
- There are comprehensive instructions accompanying all the new forms.

The new petitions provide new options that will be collected in CM/ECF for statistical reporting. Some of the changes include:

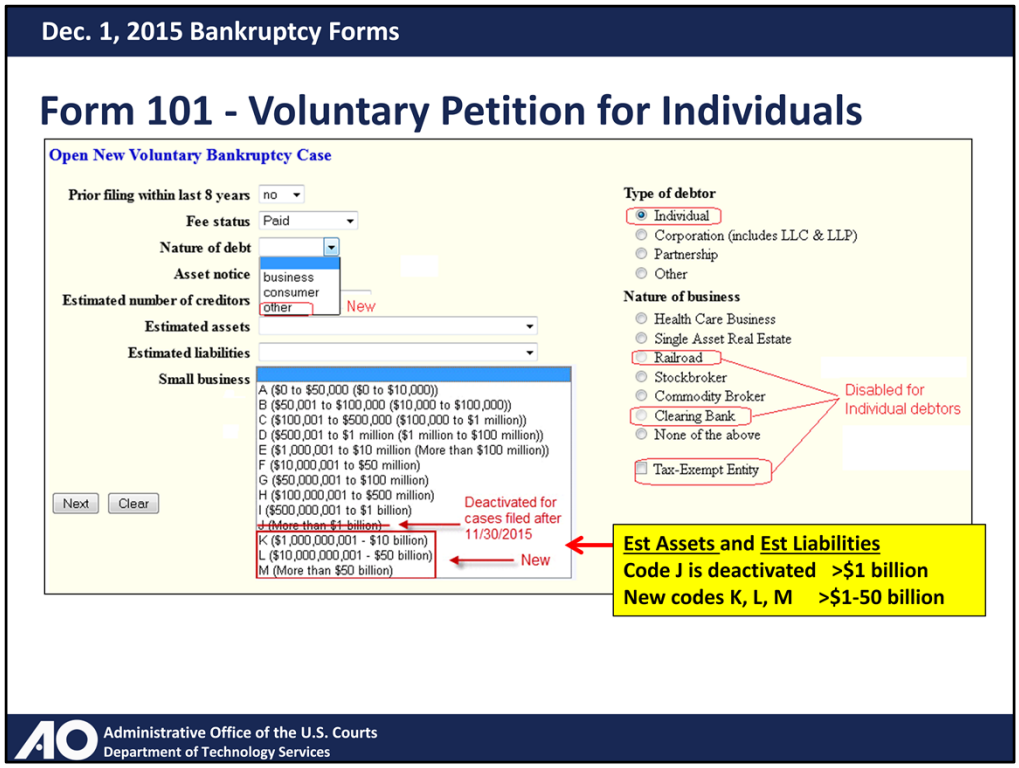
- Form is now 8 pages in length
- Credit counseling information from Exhibit D now included as part of the petition
- Chapter 7 and 11 individual business data
- Simpler language and instructions on all forms
- Comprehensive instructions that accompany all new forms



Here are some of the CM/ECF screens that have changed to conform to the new rules and forms. The B101 Voluntary Petition for individuals now asks if debts are primarily Consumer, Business or **Other** in Part 6 of the new form. And Individuals now have the option to select a Nature of Business to describe their Sole Proprietorship.

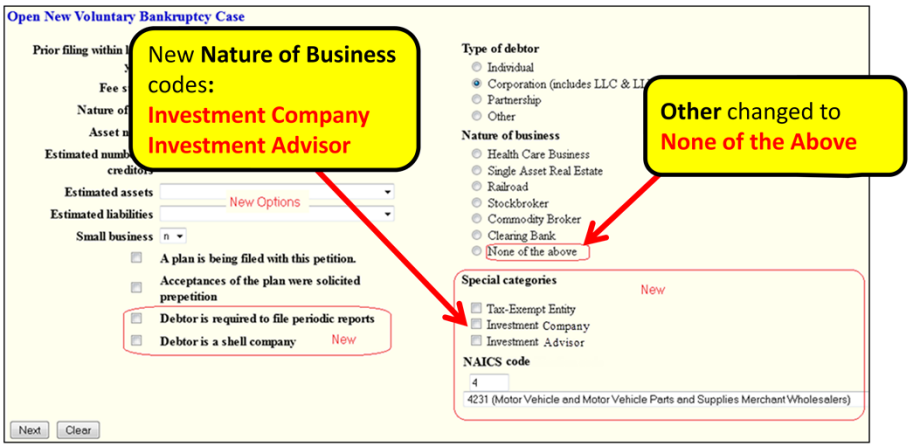


Since Form 101 is only for Individuals, Railroad and Clearing Bank will be greyed out and disabled as options for Nature of Business if the debtor is an individual as Form 101. The Tax Exempt Entity checkbox will no longer appear for Nature of Business if the debtor is an individual.

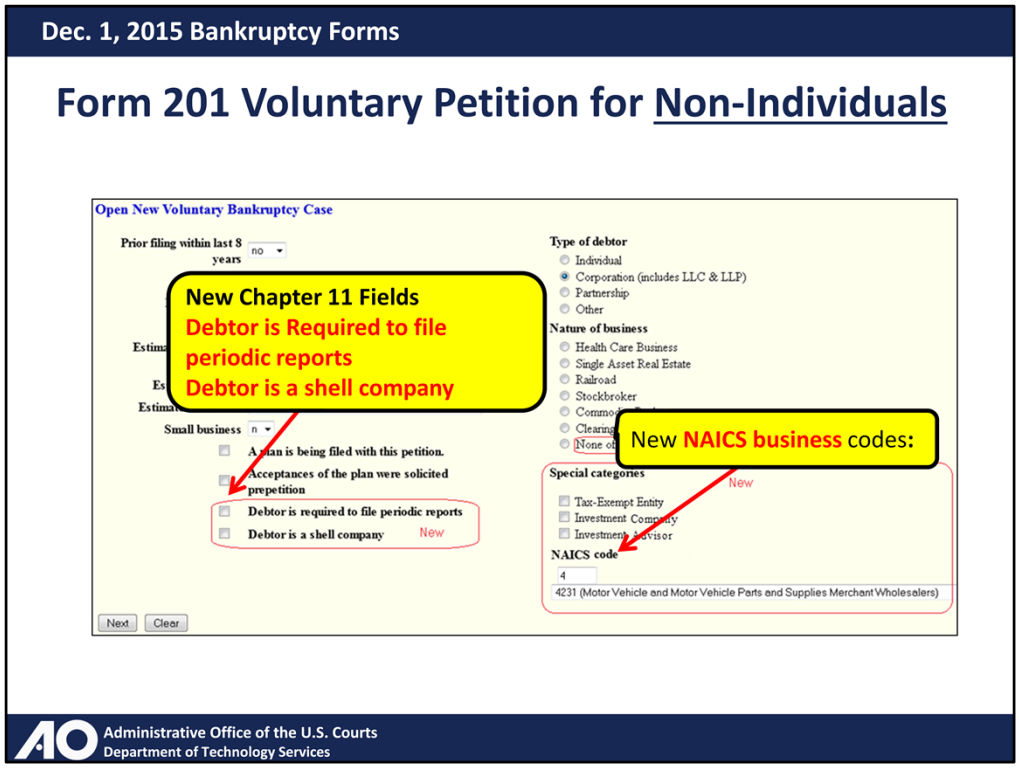


Estimated Assets and Estimated Liabilities Code J (More than $1 Billion) has been expanded to 3 more levels ranging from $1,000,000,001 to More than $50 billion for both individual and non-individual debtors.

Form 201 Voluntary Petition for Non-Individuals



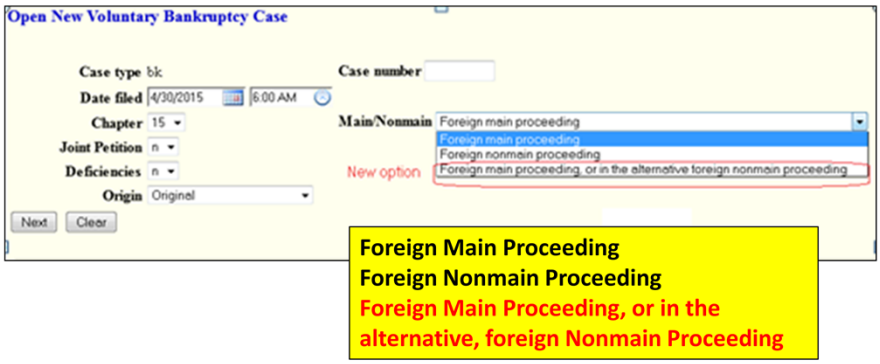
This is the new statistical screen for a Chapter 11 non-individual case. In an effort to identify more specific business types, two new Natures of Business options for Non-Individual filers have been added, Investment Company and Investment Advisor. The value of Other has been changed to None of the Above.



Additionally a new statistical NAICS business code has been added. The *North American Industry Classification System* (*NAICS*) is the standard used by Federal statistical agencies in classifying business types and will allow the AO to respond better to Congressional, Judiciary, and public inquiries on types of bankruptcy filings. The first 4 digits of the NAICS code will be collected for reporting.

Form B401 Chapter 15 Case Opening

Petition for Recognition of Foreign Proceeding

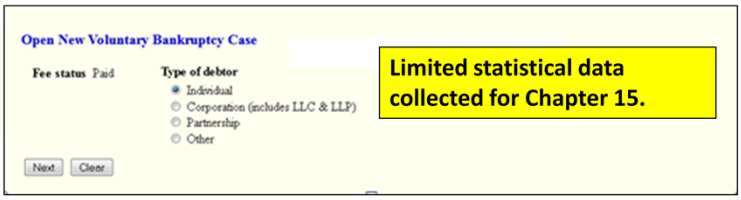


Foreign Main Proceeding
Foreign Nonmain Proceeding
Foreign Main Proceeding, or in the alternative, foreign Nonmain Proceeding

There is a new Nature of Foreign Proceeding selection when opening a chapter 15 case. It is designed as an alternative for the filer who is not sure if it's a main or non-main proceeding.

Form B401 Chapter 15 Case Opening

Petition for Recognition of Foreign Proceeding



Limited statistical data collected for Chapter 15.

Only Fee Status and Type of Debtor will be captured from this Chapter 15 statistical case opening screen.

There is no longer any statistical reporting from this screen for Chapter 15 case opening except for Fee status, which will always be paid and Type of Debtor.

Chapter 11 Case Opening

EOUST Statistical screen

Open New Voluntary Bankruptcy Case

Form B1: Debtor's aggregate non-contingent liquidated debts < $2,490,925

Schedules

Schedule C: Total value of claimed exemptions				
Schedule I line 2: Monthly gross wages, salary, and commission	Debtor		Spouse	
Schedule I line 6: Subtotal of payroll deductions	Debtor		Spouse	
Schedule J line 23c: Monthly net income				

Next Clear

This field is not required, but an error message will display if checked for any chapter other than Chapter 11.

In an attempt to qualify chapter 11 cases, this field on this statistical screen will produce an error message if it is checked for a case other than a chapter 11.

Dec. 1, 2015 Bankruptcy Forms

New form numbers and form names for schedules

- Schedules A and B **combined** into Schedule **A/B.**
- Schedules E and F **combined** into Schedule **E/F.**

Current Form #	Current Name	New Form #	New Name
B6A	Schedule A - Real Property	B106A/B	Schedule A/B Property - Individual
B6B	Schedule B - Personal Property	B206A/B	Schedule A/B Property - Non-Individual
B6E	Schedule E - Creditors Holding Unsecured Priority Claims	B106E/F	ScheduleE/F - Creditors Who Have Unsecured Claims - Individual
B6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims	B206E/F	ScheduleE/F - Creditors Who Have Unsecured Claims - Non-Individual

- Separate A/B Forms for **Individual** and **Non-Individual** debtors.
- Separate E/F Forms for **Individual** and **Non-Individual** debtors.

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- Besides the new format and content on the schedules, there are new form numbers and form names.
- Schedules A and B are combined into Schedule A/B. (Forms B106A/B and B206A/B.)
- Schedules E and F are combined into Schedule E/F. (Forms B106E/F and B206E/F.)

Schedules and Summary of Schedules

New Schedules have separate Individual and Non-Individual forms and new form numbers.

Individual	Non-Individual
B106**A/B**	B206**A/B**
B106**D**	B206**D**
B106**E/F**	B206**E/F**
B106**G**	B206**G**
B106**H**	B206**H**

Just like the Voluntary Petitions have been separated by Individual and Non-Individual debtor types, the schedules in this list have separate forms for Individual and Non-Individual debtor types. The remaining schedules are only required for Individual debtors. Depending upon the court, there may be separate docketing events for Individual and Non-Individual combined schedules. Or your court may have combined the form into one docketing event where the filer will signify if it represents an individual or non-individual debtor's case.

Schedules and Summary of Schedules

- Although the forms are combined, there are still separate fields for:
  - Real estate/property (Formerly Schedule A)
  - Personal property (Formerly Schedule B)
  - Priority unsecured claims (Formerly Schedule E)
  - Non-priority unsecured claims (Formerly Schedule F)
- Users will be prompted to enter separate amounts for each field when docketing Schedule A/B and Schedule E/F.

Although the forms have been combined, separate amounts for real estate, personal property, priority unsecured claims and non-priority unsecured claims are still being collected. There will be separate prompts for each field when docketing Schedule A/B and Schedule E/F.

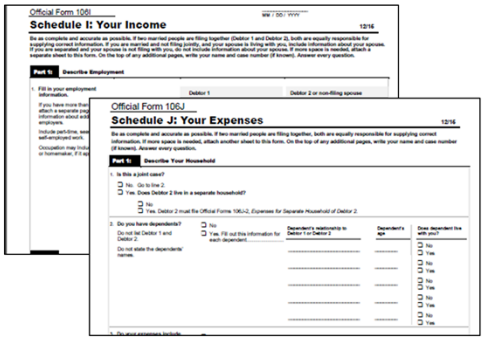
Schedules and Summary of Schedules

Schedules I and J only apply to individual debtors.

Individual

B106**I** - Income

B106**J** – Expenses



Schedules I and J are not required for non-individual debtors.

Schedules and Summary of Schedules

- New Form: B106J-2 Expenses for Separate Household of Debtor 2

Part 1: Describe Your Household

1. **Is this a joint case?**

   ❑ No. Go to line 2.
   ❑ Yes. **Does Debtor 2 live in a separate household?**

   ❑ No
   ❑ Yes. Debtor 2 must file Official Forms 106J-2, *Expenses for Separate Household of Debtor 2*.

- The total of Debtors 1 and 2 expenses will be included on line 22b of Schedule J

Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

Expenses of Debtor 2 have been separated out into a new Form B106J-2. These expenses had been collected on a separate Schedule J that was noted by a check in this box for Debtor 2 who maintains a separate household. However, the total expenses for debtor 2 with a separate household will be added to debtor 1's expenses for one total of expenses for both joint debtors.

Dec. 1, 2015 Bankruptcy Forms

Summary of Your Assets and Liabilities and Certain Statistical Information (Form B106Sum)

Summary of Assets and Liabilities and Certain Statistical Information

Report the totals from Schedules A/B, D, E/F, I, J, Forms 122, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
Schedule A/B - Total Real Estate/Property			
Schedule A/B - Total Personal Property			
Schedule D - Total Secured Claims			
Schedule E/F - Total Priority Unsecured Claims			
Schedule E/F - Total Nonpriority Unsecured Claims			
Schedule I - Monthly Income			
Schedule J - Monthly Expenses			
Current Monthly Income (Official Form 122A-1, 122B or 122C-1)			
Total Unsecured Claims Amount (Official Form B106Sum)			
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E/F, or total unsecured claims amount is not known.			

Next Clear

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This CM/ECF screen will no longer be called the Summary of Schedules. It is now the Summary of Your Assets and Liabilities and Certain Statistical Information. You can see that schedules have been renamed, renumbered and A and B and E and F are now combined. There are still separate fields for real estate, personal property, priority unsecured claims and non-priority unsecured claims. Individual and Non-Individual debtors will not use the same forms and there are no Non-Individual forms for Schedules I and J. However, this screen will still be presented to non-individual filers to capture values from Schedules A/B, D, and E/F. Just like in CurrentGen, when these schedules have values in all of the Liabilities column, the Total Dischargeable Debt will be computed for both individuals and non-individuals.

Resources

Pending changes for 2015 Bankruptcy Forms on US Courts Web Site

http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms

At this time the pending forms are posted on the uscourts.gov web site.