

ECF Modifications to Reflect the Bankruptcy Reform Legislation

Bk Reform Act Reference	Amends Bk Code	Description	New Events & Forms
<p>§102 Presumption of Abuse</p>	<p>11 USC §707</p>	<p>All chapter 7,11,13 individual debtors must file official Form 22A, 22B, or 22C respectively with the petition, if deficient, due within 15 days.</p> <p>Presumption of abuse checkbox is displayed prominently on top of first page of Form 22A for chapter 7 debtors. Disposable income determination checkbox is displayed prominently on top of first page of Form 22C for chapter 13 debtors.</p>	<p>New Forms: Official Forms 22A, 22B, 22C <i>Respectively required for all individual debtors (individual Chapter 7 consumer debtor, individual Chapter 11 debtor, and all Chapter 13 debtors)</i></p> <p>New Event (under Miscellaneous category) : Chapter 7 Statement of Current Monthly Income and Means Test Calculation - Form 22A</p> <ul style="list-style-type: none"> • Docketed only if Form 22A is filed after the petition is filed. Otherwise it is included with the petition package. <p>New Event (under Miscellaneous category): Chapter 11 Statement of Current Monthly Income - Form 22B (under miscellaneous category)</p> <ul style="list-style-type: none"> • Docketed only if Form 22B form is filed after the petition is filed. Otherwise it is included with the petition package. <p>New Event (under Miscellaneous category): Chapter 13 Statement of Current Monthly Income and Disposable Income Calculation - Form 22C (under miscellaneous category)</p> <ul style="list-style-type: none"> • Docketed only if Form 22C form is filed after the petition is filed. Otherwise it is included with the petition package.
<p>§102 Exemption from Means Test</p>	<p>11 USC §707</p>	<p><i>§102(D)(i)(ii) Prohibits the court from dismissing or converting a case based on any form of means testing, if the debtor is a disabled veteran and the indebtedness occurred primarily during a period during which he or she was: (1) on active duty or (2) performing a homeland defense activity.</i></p> <p>New checkbox for this declaration on Means Test Form 22A</p>	

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§102 Trustee's Presumption of Abuse	11 USC §704	<p>§704 (b)(1) (A) <i>The U.S. trustee shall review all materials filed by the debtor and , not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under §707(b); and not later than 5 days after receiving the statement the court shall provide a copy of the statement to all creditors.</i></p> <p>§521(i)(4) <i>the court may decline to dismiss the case if the court finds good faith attempt to file all the info required by subsection (a)(1)(B)(iv).</i></p>	<p>New Events (under Trustee category): Statement of No Determination of Presumed Abuse Statement of No Means Testing Documents Filed Statement of No Presumed Abuse Statement of Presumed Abuse</p> <p>New Events (under Trustee category): Trustee's Motion Declining Dismissal of Case Under § 521(i)(4),</p>
§102 Debtor's Rebuttal of Means Test	11 USC §707	<p>§102(B)(i)<i>The presumption of abuse may only be rebutted by demonstrating special circumstances, such as a serious medical condition or a call or order to active duty in the Armed Forces.</i></p>	<p>Existing Event: Objection or Response to Motion To Dismiss</p>
§102 Privacy for Family Violence Prevention and Services Act (FVPS)	11 USC §707	<p>§102(2)(A)(i) <i>Expenses on maintaining safety of the debtor must be private</i></p> <p>Expenses Related to Family Violence Protection Services is part of Form 22A and 22C.</p>	<p>New Event (under Miscellaneous category): Expenses regarding FVPS</p> <ul style="list-style-type: none"> • Expenses Related to Family Violence Protection Services • Intent is to restrict access to this information if FVPS expenses are declared • This private event will not appear on the public docket report. Only court users will have electronic access to this information. Not trustees or US Trustees. Private events do not generate a Notice of Electronic Filing nor are they included in the Trustee's download of data.

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§106 Credit Counseling	11 USC §109 & §521	<p>Certification of Credit Counseling required at filing for individual debtors for all chapters unless certificate of exigent circumstances is filed with voluntary petition, then certification is due 30 days from voluntary petition.</p> <p>Debt Repayment Plan may accompany Certification.</p> <p>A Debtor, by Motion, can request exemption from Prerequisite Credit Counseling if Debtor is unable to comply due to incapacity, disability, or active military duty in a military combat zone.</p>	<p>New Event (under Miscellaneous & batch category): Certificate of Credit Counseling</p> <ul style="list-style-type: none"> • This document to be supplied by approved Consumer Credit Agency <p>New Event (under Miscellaneous category): Certificate of Exigent Circumstances</p> <p>New Event (under Miscellaneous category): Debtor Repayment Plan</p> <p>New Event: Motion for Exemption from Credit Counseling</p> <p>NOTE: Contact bankruptcy software vendor regarding the possibility of including the Certification as part of the auto-filing/case-upload process. If unable to include with auto-filing/case-upload, you must file this Certificate separately (see new events above).</p>
§106 Credit Counseling (continued)	11 USC §109, §521, §727, §1328	<p>Chapter 7 and 13 individual Debtors must file a Certification of Financial Management Course required before Discharge.</p>	<p>New Event (under Miscellaneous & batch category): Certificate of Financial Management Course</p> <p>New Form: Form 23</p>

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<p>§203 Discouraging Abuse of Reaffirmation Practices</p>	<p>11 USC §524</p>	<p>Modifies debt reaffirmation guidelines governing unsecured consumer debts for dischargeable debt agreements, except if the creditor is a credit union.</p> <p>Rule 4008 requires debtors to file a specific form of agreement that is intended to demonstrate whether the debtor has sufficient post-bankruptcy disposable income to make the payments called for by the reaffirmation agreement.</p> <p>Requires court approval of Reaffirmation Agreement when debtor's ability to make payments is in question.</p> <p>All pro se reaffirmations will still require a hearing.</p>	<p>New Event (under Miscellaneous and Batch categories): Reaffirmation Agreement</p> <p>New Prompts:</p> <ul style="list-style-type: none"> • Enter name of Creditor • Is Attorney Declaration included? • If case was filed on or after 10/17/05: Is there a presumption of undue hardship? Enter "n" if agreement is with a credit union. <p>New Event: Motion for Approval of Reaffirmation</p>

ECF Modifications to Reflect the Bankruptcy Reform Legislation

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§213 Certification of Support Payments (§§1129(a)(14), 1225(a), and 1325(a)).	11 USC §§1129(a); 1208(c); 1225(a); 1228(a); 1307(c); 1325(a); 1328(a)	<i>Chapters 11, 12, 13 Certification (requirement for confirmation of plan) that the debtor has paid all amounts that are required to be paid under a domestic support obligation that first becomes payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.</i>	New Event (under Miscellaneous category): Domestic Support Obligations Paid
§224 Protection of Retirement Savings	11 USC §522 & 523(a)	New guidelines for retiree benefits in bankruptcy.	New Event: Motion for Reinstatement of Retiree Benefits
§232 Appointment of Consumer Privacy Ombudsman	11 USC §332	<i>A Consumer Privacy Ombudsman to be appointed and present at hearing for protections to safeguard the privacy interests of the debtor's clients when certain personal data are to be sold.</i>	New Event (under Trustee category): Appointment of Ombudsman

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§234 Restriction of disclosure of sensitive information in case file	11 USC §107	<i>Restricts public access to certain information contained in bankruptcy case files by authorizing the bankruptcy court to bar disclosure of information that it finds would create undue risk of identity theft or other unlawful injury to the debtor or his/her property.</i>	New Event: Motion to Restrict Public Access <ul style="list-style-type: none"> • If granted, image of data to be filed (or already on the docket report) would only be viewable to court users, but text entry would appear on the docket sheet, with a document number
§302,303,320 Automatic Stay Guidelines	11 USC §362(c); §362(d); 362(e)	Possible termination of stay 30 days after chapter 7, 11 or 13 petition if previous case dismissed in prior year. Allowance of 2 year extension of stay in regard to fraud. Automatic lifting of stay 60 days after party in interest's motion for relief of stay in chapters 7, 11 or 13 unless modified by court order.	New Event: Motion to Extend/Continue the Automatic Stay New Event: Motion to Confirm the Automatic Stay New Event: Motion to Impose Automatic Stay
§305 Terminate the stay for certain property	11 USC §362	<i>Debtor must reaffirm, redeem or surrender certain property within time certain or court may determine that debtor's property is of consequential value and benefit of the estate and terminate the stay.</i>	New Event (under Trustee category): Determine Value of Property

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<p>§311 Rent and Automatic Stay</p>	<p>11 USC §362(1)</p>	<p><i>Denies an automatic stay of eviction proceedings by a lessor against a debtor if: (1) the lessor obtained judgment for possession prior to the bankruptcy filing date; or (2) lessor furnishes certification of specified debtor offenses.</i></p> <p>Burden is on the debtor to declare prepetition residential judgment against him/her for rent or eviction. There is a new section on the voluntary petition for this purpose.</p> <p>If debtor declares prepetition judgment for residential property, debtor must file with the petition:</p> <ul style="list-style-type: none"> a) Certification of Intent to Cure Entire Monetary Default for Residential Property and b) 30 Day Rent Deposit 	<p>New Event (under Miscellaneous category): Certification of Intent to Cure Default</p> <ul style="list-style-type: none"> • Prompts for the dollar amount of rent deposit <p>New Event (under Miscellaneous category): Certification of Cure of Residential Judgment.</p> <p>New Event (under Miscellaneous category): Certification of Protection of Property from Damage</p>
<p>§313 Lien Avoidance on Household Goods</p>	<p>11 USC §522(f)</p>	<p>Defines a debtor’s household goods to include specific items. Requires UST to report household lien activities separately. §522(f)(1)(B)(i)</p>	<p>New Event: Motion to Avoid Lien on Household Goods under §522(f)(1)(B)(i)</p> <ul style="list-style-type: none"> • Existing motion to avoid lien should be used for all other situations.

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<p>§315 Filing of Tax Returns Privacy</p>	<p>11 USC §521</p>	<p>Section 521(e)(2) now requires that the debtor provide to the trustee a copy of the debtor's federal tax return "for the most recent tax year" prior to the commencement of the case. The debtor is obligated to do so not later than 7 days before the meeting of creditors. The debtor is also obligated to provide a copy of this tax return to any creditor who makes a timely request for one. Copies of tax returns provided under Section 521(e)(2) DO NOT need to be filed with the Court.</p> <p>The only time a debtor is required to file tax return information with the Court is when a motion has been filed under Section 521(f) and the Court has specifically ordered that the debtor file copies of returns for tax years while the case is pending, or for years prior to the commencement of the case which the debtor had not in fact filed a return previously.</p> <p style="color: red;">Unless ordered to do so under Section 521(f), debtors should not file tax returns with the Court. Tax information required under Section 521(e)(2) should be provided directly to the trustee and any</p>	<p>New Event (under Miscellaneous category): Request for Debtor to File Tax Documents with Court</p> <p>New Event (under Miscellaneous category): Tax Documents (info can be a transcript of tax information)</p> <ul style="list-style-type: none"> • If granted, image of data to be filed (or already on the docket report) would only be viewable to court users, but text entry would appear on the docket sheet, with a document number <p>New Event: Motion for Access to Tax Information</p>

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§315 Creditors' Preferred Mailing Address	11 USC §342	<p><i>342(f)(1) Creditors can signify one national mailing address for all cases. Will be coordinated with the BNC.</i></p> <p>New National Creditor Registration</p> <ul style="list-style-type: none"> • Creditor must register with BNC for National Creditor Registration (www.ebnuscourts.com) 	<p>New Event (under Notice category): Notice of <u>Override</u> Preferred Creditor Address - 342(e)</p> <ul style="list-style-type: none"> • Creditor's exception address for this case only.

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<p>§315 New Filing Requirements for Chapters 7 and 13</p>	<p>11 USC §521(a)</p>	<p><i>Copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor</i></p>	<p>New Event: Employee Income Records (Pay stubs, etc.) (Docketed only if not originally filed with the Petition)</p> <p>NOTE: Contact bankruptcy software vendor for instructions regarding attaching scanned records to Petition and Schedules PDF</p>

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§316 Dismissal for Failure to Timely File...	11 USC §521(i)	<i>Chapter 7 and 13 Individual debtors must file all information under subsection (a)(1) within 45 days after the petition or the case shall be automatically dismissed on the 46th day.</i>	<p>New Event: Motion to Dismiss Case for Failure to File Required Documents under §521(i)</p> <p>New Event: Motion to Extend Deadline to File Schedules or Provide Required Information</p>
§322 Homestead Exemptions	11 USC §522	New limitation on homestead exemptions	Existing Event: Objection to Exemption
§325 US Trustee Filing Fee Increase	28 USC §1930(a)	Filing fees increases as follows:	<ul style="list-style-type: none"> • Chapter 7, 11, and 13 Voluntary Petition filing fees: Ch 7 - \$220+39+15=\$274 Ch 11 - \$1000+39=\$1039 Ch 13 - \$150+39=\$189 Ch 15 - \$1000+39=\$1039 • Adversary filing fee \$250

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§330 Delay of Discharge	11 USC §727(a); §1141(d); §1228; §1328	<i>The court may withhold a debtor's discharge upon its reasonable belief that a proceeding is pending in which debtor may be found guilty of a felony or become liable for specific debts.</i>	New Event: Motion to Delay Discharge
§ 332 Fraudulent Involuntary Filings	11 USC §303	<i>Protection of named debtor of fraudulent involuntary bankruptcy case and court order to remove references of such to credit reporting agencies</i> Can also be used for protection of identity of minor children.	New Event: Motion to Seal New Event: Motion to Expunge
§402 Meeting of Creditors	11 USC §341(e)	Meeting of Creditors can be Canceled due to Chapter 11 Debtor Filing an Agreed Plan	New Event: Motion to Cancel Meeting of Creditors
§417 Utility Assurance Payment	11 USC §366(c)	On request of a party in interest, the court may order modification of the amount of an assurance of payment of utility service	New Event: Motion to Modify Assurance Payment

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<p>§418 Waiver of Filing Fees <i>in forma pauperis</i></p>	<p>USC 28 §1930</p>	<p><i>The district court or the bankruptcy court may waive all filing fees in a case under chapter 7 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line.</i></p>	<p>New Event (under Motion category): Application to proceed <i>in forma pauperis</i>.</p>
<p>§603 Audit Procedures</p>	<p>11 USC §727</p>	<p><i>Notice to creditors of material misstatement of income or expenditures of assets.</i></p> <p>Note: Section 603(e) Effective Date.—The amendments made by this section [adding reference to an auditor in section 521(a)(3) and (4)] shall take effect 18 months after the date of enactment of this Act.</p>	<p>New Event (under Trustee category): Misstatement of Income or Expenditures</p> <p>New Event (under Miscellaneous category): Auditor’s Report</p>

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<p>§801 Chapter 15</p>	<p>11 USC §304 New Provision</p>	<p>Chapter 15 is replacing §304 filings for Foreign Insolvencies. The petition filed by a foreign representative who files a Petition for Recognition of Foreign Proceeding in order to avail themselves of US Bankruptcy Protection.</p> <p>Once the foreign proceeding status is recognized in US bankruptcy court, an appropriate U.S. Bankruptcy case could be opened if appropriate.</p>	<p>New Event (under Miscellaneous category): Petition for Recognition of Foreign Proceeding</p> <ul style="list-style-type: none"> • the form will be the official Official Form 1 Petition. • Petition provides two check boxes for Foreign Main Proceeding and Foreign Non-main Proceeding. <p>New Fee: \$1039</p>
<p>§1104 Appointment of Health Care Ombudsman</p>	<p>11 USC §333</p>	<p>Appointment of ombudsman to a health care business case.</p>	<p>New Event (under Trustee category): Appointment of Ombudsman</p> <p>New Event (under Miscellaneous category): Ombudsman report</p>
<p>§436 Duties in Small Business Cases</p>	<p>§1116 New Provision</p>	<p>New requirements due at filing if small business is designated.</p>	<p>New Events (under Miscellaneous category):</p> <p>Small Business Balance Sheet</p> <p>Small Business Statement of Operations</p> <p>Small Business Cash-Flow Statement</p> <p>Tax Documents</p>

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§1233 Direct Appeal	28 USC §158	Any district or bankruptcy court, BAP, or party in a judgment, order or decree may file a direct appeal to the Circuit Court.	<p>New Event (under Appeal category): Requesting Direct Appeal to Circuit Court</p> <p>New Event (under Appeal category): Certification of Direct Appeal to Circuit Court</p> <p>Official Form 24</p>