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September 23, 2005

MEMORANDUM TO: BANKRUPTCY PETITION PREPARATION SOFTWARE  
COMPANIES

SUBJECT: Data Enabled Forms Standard

In the period of rapid technological innovation, it is critical that both government and the private sector efficiently use new technology to achieve core missions. The Administrative Office of the United States Courts (AOUSC) and the Executive Office of the United States Trustees (EOUST) are pleased to announce a new standard for filing “data enabled” bankruptcy forms that we urge you to adopt. This new standard will be effective on October 17, 2005. Please include in your product a “data enabled” form feature for the following official bankruptcy forms:

- Official Form B1 - Voluntary Petition (does not apply to Exhibit A or Exhibit C)
- Official Form B5 - Involuntary Petition
- Official Form B6 - Schedules A-J, including summary of schedules (does not apply to Declination Concerning Debtor’s Schedules)
- Official Form B7 - Statement of Financial Affairs
- Official Form B22A /B22A(Alt.) - Statement of Current Monthly Income and Means Test Calculation for use in Chapter 7
- Official Form B22B - Statement of Current Monthly Income for use in Chapter 11
- Official Form B22C /B22C(Alt.) - Statement of Current Monthly Income and Disposable Income Calculation for use in Chapter 13

**Background**

The federal judiciary and executive branch agencies must look at ways to use efficiently new technology to meet their core missions. Currently, almost all bankruptcy courts accept filings through the Electronic Case Files (ECF) interface, with the rest planning to offer this service within the next few months. Accordingly, the majority of all new petitions, statements of financial affairs, and schedules are prepared by your software products and submitted as Portable Document Format (PDF) files. The AOUSC has determined that the Case Management/

Electronic Case Files (CM/ECF) system “as is” will accept “data enabled” forms. A “data enabled” form is a PDF document that is completed on-line, either via a software program or by downloading the form from the Internet, and then saved as a PDF file containing data tags that are not visible to the user, but which “mark” each piece of data entered into the individual fields on the form with a tag.

To illustrate this concept, attached is a sample “data enabled” form, Official Form B1-Voluntary Petition. This sample form depicts the proposed approach for labeling the data elements and for organizing the data tags within the forms. The final “data enabled” form filed through CM/ECF would still be a PDF that is viewable in the same manner as the current process, but the PDF would now also contain the data tags defined by the new schema.

This new data enabled form standard does **not** replace the “Case Upload” feature used by many software companies to automate the opening of a bankruptcy case in CM/ECF. Please continue to include a separate text file of case opening data elements to automate the case opening process.

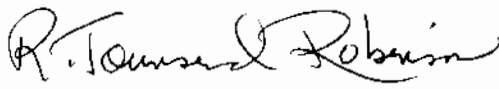
*Note: There will still be an exception process for pro se users that do not have access to completing the “data enabled” form.*

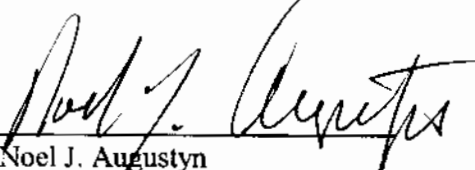
### **New Data Enabled Form Standard - Data Schema**

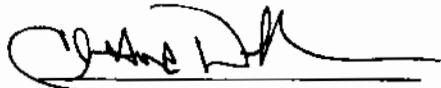
The data schema for the new data enabled form standard builds upon the existing Adobe PDF/A standard (version 1.4) currently in place for CM/ECF. Specifically, the new schema incorporates the use of the Adobe Acroform field and value (F/V) tags within the PDF document. This approach will allow the AOUSC to remain compatible with the long time archival of digital records. In addition, AOUSC and USTP research indicates that there are ample Open Source and commercial tool sets available to manipulate the Acroform F/V tags within PDF documents.

The complete data schema along with sample forms and frequently asked questions will be posted to both [www.usdoj.gov/ust](http://www.usdoj.gov/ust) and <http://pacer.psc.uscourts.gov/cmecf/developer/index.html> as of September 30, 2005.

Please visit one of our web pages for detailed information and technical assistance contacts to help you implement this new CM/ECF technical standard. Thank you very much for your participation in this very important improvement to the bankruptcy case filing system.

*for*   
Peter G. McCabe  
Assistant Director,  
Office of Judges Program

  
Noel J. Augustyn  
Assistant Director,  
Office of Court Administration

  
Clifford J. White  
Acting Director, Executive Office of  
United States Trustees

Attachment

cc: Clerks, United States Bankruptcy Courts

## Instructions to View Adobe PDF Form Fields

An Adobe PDF form is an electronic-based form, resembling the paper based form that can collect data using Adobe Acrobat Professional. This PDF is a sample document that is form enabled. On the pages that follow, users can fill in data on the form as well as view the form fields directly. Instructions for each are described below.

### To enter data directly into the form:

1. Choose Tools > Basic > Hand Tool from the menu.
2. Position the pointer inside a form field and click. The I-beam pointer allows you to type text. If your pointer appears as a pointing finger you can select a check box.
3. After entering the text or making the selection, you can do one of the following:
  - Press Tab or Shift-Tab to move to the next or previous field
  - Click on the next field to edit
  - Choose File > Save As to save the form and the data you have entered.

### To view the fields on the form and their properties:

1. Choose Tools > Advanced Editing > Select Object Tool. Now each form field is visible on the screen.
2. Do one of the following to select a field's properties:
  - Double-click on the form field
  - Right-click (Windows) or Control-click (Mac OS), and select Properties
  - Click on the form field to select it, and then click on the More button on the Properties toolbar to open the Properties dialog box.



<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s):	
<b>Prior Bankruptcy Case Filed Within Last 8 Years</b> (If more than one, attach additional sheet)		
Location Where Filed:	Case Number:	Date Filed:
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)		
Name of Debtor:	Case Number:	Date Filed:
District:	Relationship:	Judge:
<p style="text-align:center;"><b>Exhibit A</b></p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align:center;"><b>Exhibit B</b></p> <p style="text-align:center;"><small>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</small></p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by § 342(b) of the Bankruptcy Code.</p> <p style="text-align:center;">X _____ Signature of Attorney for Debtor(s)                      Date</p>	
<p style="text-align:center;"><b>Exhibit C</b></p> <p>Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?</p> <p><input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.</p> <p><input type="checkbox"/> No</p>	<p style="text-align:center;"><b>Certification Concerning Debt Counseling by Individual/Joint Debtor(s)</b></p> <p><input type="checkbox"/> I/we have received approved budget and credit counseling during the 180-day period preceding the filing of this petition.</p> <p><input type="checkbox"/> I/we request a waiver of the requirement to obtain budget and credit counseling prior to filing based on exigent circumstances. (Must attach certification describing.)</p>	
<p><b>Information Regarding the Debtor (Check the Applicable Boxes)</b></p> <p style="text-align:center;"><b>Venue</b> (Check any applicable box)</p> <p><input type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.</p> <p><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.</p> <p><input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.</p>		
<p style="text-align:center;"><b>Statement by a Debtor Who Resides as a Tenant of Residential Property</b></p> <p style="text-align:center;"><i>Check all applicable boxes.</i></p> <p><input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)</p> <p style="text-align:center;">_____</p> <p style="text-align:center;">(Name of landlord that obtained judgment)</p> <p style="text-align:center;">_____</p> <p style="text-align:center;">(Address of landlord)</p> <p><input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and</p> <p><input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.</p>		

**Voluntary Petition**

*(This page must be completed and filed in every case)*

Name of Debtor(s):

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by § 342(b) of the Bankruptcy Code.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Debtor

X \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

**Signature of a Foreign Representative of a Recognized Foreign Proceedings**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign main proceeding, and that I am authorized to file this petition. A certified copy of the order granting recognition is attached.

X \_\_\_\_\_  
(Signature of Foreign Representative)

\_\_\_\_\_  
(Printed Name of Foreign Representative)

\_\_\_\_\_  
(Date)

**Signature of Attorney**

X \_\_\_\_\_  
Signature of Attorney for Debtor(s)

\_\_\_\_\_  
Printed Name of Attorney for Debtor(s)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

\_\_\_\_\_  
Printed Name and title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

\_\_\_\_\_  
Address

X \_\_\_\_\_

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.*

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Authorized Individual

\_\_\_\_\_  
Printed Name of Authorized Individual

\_\_\_\_\_  
Title of Authorized Individual

\_\_\_\_\_  
Date