A large, stylized graphic of a pair of scales of justice is centered in the background. The scales are rendered in a light gray color against a dark brown circular backdrop. The central pillar and the two pans are clearly visible, with the pans hanging from a horizontal beam. The overall design is clean and professional, emphasizing the legal nature of the document.

2019 AMENDMENTS TO THE
FEDERAL RULES OF BANKRUPTCY
PROCEDURE
&
FORMS CHANGES

United States Bankruptcy Courts

Disclaimer

- This presentation is intended to provide only a rudimentary introduction to the proposed bankruptcy rules. Attorneys should perform their own review and analysis of these new Rules prior to the proposed implementation date of December 1, 2019.

Effective Date
of New Rules



Rules to be amended

Federal Rules of Bankruptcy Procedure:

4001(c) - Obtaining Credit

6007(b) - Abandonment or Disposition of Property

9036 - Notice by Electronic Transmission

9037 - Privacy Protection for Filings Made with the Court

Rule 4001(c). Obtaining Credit

- Sets forth requirements for obtaining post-petition credit. This section will be amended so that it no longer applies to Chapter 13 cases. This change does not address the substantive issue of whether the Bankruptcy Code requires or permits a Chapter 13 petitioner not engaged in business to request approval of post-petition credit.

Rule 6007(b). Abandonment or disposition of property

- This Rule is amended to designate the parties to be served with a motion to compel the trustee to abandon property under 11 U.S.C. § 554(b). Changes also make the rule consistent with Rule 6007(a) (dealing with abandonment by the trustee or debtor in possession).

Rule 9036. Notice by Electronic Transmission

- This Rule is being amended to allow clerks and parties to provide notices or to serve documents (other than those in Rule 7004) through the Court's electronic filing system on registered users of that system. The amendments would also allow service or noticing on any person by any electronic means so long as the person consented in writing to receive notices or service electronically. The service or notice would be complete upon filing or sending, but it would not be effective if either the filer or the sender learns that it was not received.

Rule
9037(h).
Privacy
protection
for filings
made with
the court

- This Rule will contain a new subdivision (h) to address procedures (filing a motion to redact, attaching the proposed redacted document including docket or proof of claim number, and serve motion and attachment on petitioner, petitioner's attorney, trustee, filer, and any individual whose personal identifying information is being redacted) for redacting personal identifiers in previously filed documents not in compliance with Rule 9037(a). This amendment to rule 9037 also requires that public access to the motion to redact and the unredacted document be restricted. If the motion to redact is granted, the redacted document must be docketed.

Form changes effective December 1, 2019

- **Official Form 1340 - Application for Payment of Unclaimed Funds** - This form includes a standard application for withdrawal of unclaimed funds, accompanying instruction, and proposed orders for granting or denying the application.



Form changes effective October 1, 2019

- On August 26, 2019, the President signed into law the Honoring American Veterans in Extreme Need Act of 2019 (the Haven Act) Public Law No. 116-52. The Haven Act amended 11 U.S.C. § 101(10A) to exclude from the definition of Current Monthly Income certain payments made under title 10, 37, or 38 of the United States Code in connection with a disability, combat related injury or disability, or death of a member of the uniformed services.

Form Changes

- As a result of enactment of The Haven Act, minor conforming amendments were made to lines 9 and 10 of Official Forms:
 - 122A-1
 - 122B
 - 122C-1

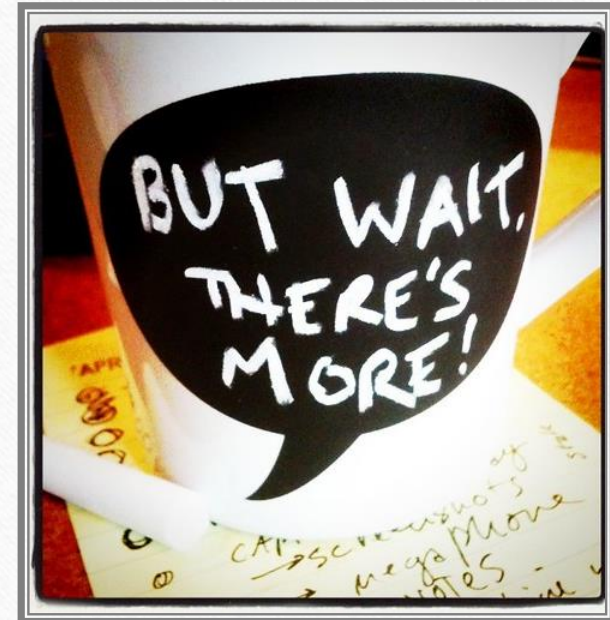


IMPORTANT TO NOTE:

- The exclusion for service member retired pay is limited, however, and the petitioner should exclude from current monthly income only that amount of retired pay that exceeds the amount that the recipient would otherwise be entitled to receive had the recipient retired for a reason other than a disability. Each form is modified to expressly exclude these amounts from lines 9 and 10.

Additional Form Changes Effective December 1, 2019

- There will be further changes to bankruptcy form 122A-1 that will go into effect on December 1st.
 - Instruction will be added to line 14a to remind a petitioner that if there is no presumption of abuse, that Official Form 122A-2 should not be filled out or filed.



Thank you!

This powerpoint introduction to the 2019 amendments to the Federal Rules of Bankruptcy Procedure and official forms changes was presented in conjunction with the United States Federal Judiciary

