



**This guide contains information regarding changes to CM/ECF events and procedures.**

**If you have any questions or need further assistance docketing events, contact the ECF Help Desk at (800) 442-6850.**

**The effective date is December 1, 2021.**

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## Bankruptcy Rule and Form Changes

*This section includes information regarding changes and updates to CM/ECF events, menus and the way the system processes information.*

### Updated Official Form 122B

Official Form 122B has been amended, effective December 1, 2021, in response to the enactment of the Small Business Reorganization Act of 2019 to correct an instruction embedded in the form. The instruction currently explains that the form is to be **used by individuals** filing for bankruptcy under Chapter 11; however, the form is NOT applicable under new subchapter V of chapter 11. The instruction was modified to clarify that the form is not to be used by an individual debtor filing under Subchapter V of the Chapter 11 as follows: *"You must file this form if you are an individual and are filing for bankruptcy under Chapter 11 (other than under Subchapter V)."*

### Amendments to the Federal Rules of Bankruptcy Procedure (2005, 3007, 7007.1, and 9036)

- Rule 2005, addressing release conditions for a debtor taken into custody, was **amended to refer to the correct section of Title 18**.
- Rule 3007, governing service of claim objections, was amended to make clear that an **insured depository institution**, now identified only as one "defined in section 3 of the Federal Deposit Insurance Act," **also has to be served** pursuant to Rule 7004(h) and its more rigorous service requirements (including certified mail in some situations). Although a minor change, it's a good reminder of the special service rules that apply to FDIC insured depository institutions. The Committee Note clarifies that this provision does not apply to credit unions because they're covered by National Credit Union Administration insurance instead of FDIC insurance.
- Rule 7007.1, involving corporate ownership disclosures, was amended to align with similar disclosure rules in the Federal Rules of Appellate Procedure and the Federal Rules of Civil Procedure. It has been **revised to apply only to nongovernmental corporations**, although including when such corporations intervene in bankruptcy cases and adversary proceedings.
- 9036 was amended to further expand the use of electronic noticing and service. **It recognizes a court's authority to provide notices or make service electronically through the Bankruptcy Noticing Center (BNC) to entities that currently receive a high volume of paper notices from the bankruptcy courts.** The rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties. Under the amended rule, both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. Only the courts may

serve or give notice to an entity at an electronic address registered with the BNC as part of the Electronic Bankruptcy Noticing program.

The changes to Rule 9036(b)(2)(B) also empowers the Director of the Administrative Office of the U.S. Courts (AO) through the BNC to contact entities that receive a high volume of paper notices. **The AO has established 100 paper notices in a month as a high volume receiver and will require the recipient to establish an address to receive electronic notices.** If the entity does not establish an address under 11 U.S.C § 342(e) or (f) to receive electronic notices within 45 days of the notice of designation by the AO, the AO will designate an address for that entity.

- Although not a Bankruptcy Rule, Federal Rule of Appellate Procedure 6, which governs bankruptcy appeals, was also revised slightly but only to **change the reference to a form given amendments made to Federal Rule of Appellate Procedure Rule 3** (which, in turn, split former Form 1 into Form 1A and Form 1B).