Pending Changes in the Bankruptcy Forms

Director's Form B240A updated effective April 1, 2010; Pre-2009 Versions of B240A and B240B to Remain in Effect as Alternative Versions and to be Re-labeled as B240A/B ALT and B240C ALT

On recommendation of the Bankruptcy Rules Committee, Director's Forms B240A, B240B and B240C (collectively the Director's Reaffirmation Agreement Package) were posted on the Administrative Office's public website and became effective on December 1, 2009. The new forms were designed to be more understandable to users and to make needed information easier to find for judges. The January 2007 versions of the forms currently remain on the public website along with an announcement stating they will be withdrawn after a transitional period.

Director's Form B240A (Reaffirmation Documents) integrates the Reaffirmation Agreement, disclosures, and other documents necessary for a debtor to reaffirm a debt. It has prompted a number of suggestions since its introduction in December 2009. After consultation with the Bankruptcy Rules Committee, B240A has been modified (effective April 1, 2010), to incorporate some of the suggestions made since December 2009, and instructions have been drafted for the form. The new instructions identify governing law, and provide directions for use of the form.

As explained in the new instructions, Director's Form B240A remains optional, and it cannot be used with a separate, attached reaffirmation agreement because some of the required disclosures are contained in the Reaffirmation Agreement portion of the form, rather than in the Disclosure Statement portion of the form. Because § 524(k)(3)(J)(i) of the Bankruptcy Code provides that a separate reaffirmation agreement may be used only if the proper disclosures have been made, the January 2007 versions of B240A and B240B (which include separate reaffirmation agreement and disclosure provisions) will not be removed from the public website as originally contemplated. Instead, they will remain in effect as alternative versions that may be used to provide the required disclosures by parties who want to use a separate attached reaffirmation agreement. The January 2007 version of B240A will be re-labeled B240A/B ALT effective April 1, 2010, and the January 2007 version of B240B will be re-labeled B240C ALT effective April 1, 2010.

B240A, Reaffirmation Documents (04/10) Form | Instructions
B240A/B ALT , Reaffirmation Agreement (04/10) Form
B240C ALT , Order on Reaffirmation Agreement (04/10) Form

Revised Dollar Amounts in Official Forms 1, 6C, 6E, 7, 10, 22A and 22C, and Director's Forms 200 and 283, effective April 1, 2010.

Automatic adjustments will be made on April 1, 2010, to dollar amounts stated in various provisions of the Bankruptcy Code, one provision in Title 28, seven Official Bankruptcy Forms which contain adjusted dollar amounts, and two Director's Forms which include dollar amounts. The adjustments will apply to cases filed on or after April 1, 2010.

Section 104 of the Code provides that the Judicial Conference make the adjustments, which are calculated at three-year intervals on the basis of the change in the Consumer Price Index for the most recent three-year period ending immediately before the year in which the adjustment is made and rounded to the nearest $25. The Conference has delegated that authority to the Administrative Office. The revised dollar amounts were published on February 25, 2010, at page 8747 of the Federal Register (http://edocket.access.gpo.gov/2010/pdf/2010-3807.pdf)

The dollar amount changes affect Official Forms 1 (p.1, 1 change), 6C (p.1, 1 change), 6E (p.1, 1 change, p. 2, 2 changes), 7 (p.2, 1 change), 10 (box 5, 2 changes), 22A (line 38, 1 change, line 52, 4 changes) and 22C (line 43, 1 change), and Director's Forms 200 (1 change regarding § 522(q) on pp. 2, 3, and 4) and 283 (p.1, 2 changes).

B l Voluntary Petition (04/10) Form
B 6C Schedule C - Property Claimed as Exempt (04/10) Form
B 6E Schedule E - Creditors Holding Unsecured Priority Claims (04/10) Form
B 7 Statement of Financial Affairs (04/10) Form
B 10 Proof Of Claim (04/10) Form
B 22A Statement of Current Monthly Income and Means Test Calculation (Chapter 7)(04/10) Form
B 22C Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13) (04/10) Form
B 200 Required Lists, Schedules, Statements and Fees (04/10) Form
B 283 Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) (04/10) Form