

**VBA BANKRUPTCY LAW SECTION**  
Bench-Bar Brown Bag Lunch Meeting  
*with Hon. Colleen A. Brown, U.S. Bankruptcy Judge*

Tuesday, September 18, 2012  
United States Bankruptcy Court, US Post Office and Courthouse – Rutland

**12:00 pm – 12:15 pm (approx.)**      **Evidence Presentation System Orientation**  
*In-person participation only*

**12:15 (approx)**                                      **TOPICS FOR DISCUSSION**  
*Participation by telephone welcome*

- |    |  |               |
|----|--|---------------|
| 1. | Changes in the Chapter 13 Trustee's Office staff   | Jan Sensenich |
| 2. | Status of Proposed Revised Local Rules   | Judge Brown   |
| 3. | Brief overview of some of the Proposed Bankruptcy Rules and Forms that may have most impact on VTB local practice: | Judge Brown   |

Bankruptcy Rules 7004(e), 7008, 7012, 7016, and 9027  
Bankruptcy Forms 3A, 3B, 6I, 6J, 22A-1, 22A-2, 22C-1, and 22C-2

These rules were issued for public comment on August 17, 2012 and the comment period ends on February 15, 2013.

The proposed amendments, Rules Committee reports explaining the proposed changes, and other information are posted on the Judiciary's website at <http://www.uscourts.gov/RulesAndPolicies/rules/proposed-amendments.aspx>.

Attachment:    excerpts from Report of the Advisory Committee on Bankruptcy Rules addressing the above-referenced rules and forms, and copies of those rules and forms

**These Bench-Bar lunch meetings are coordinated by the Bankruptcy Court.**  
**Have a question about this one?**  
**Call Tom Hart at 802-776-2002 or e-mail him at [thomas\\_hart@vtb.uscourts.gov](mailto:thomas_hart@vtb.uscourts.gov)**  
No fee and no pre-registration required.  
Soft drinks and bottled water will be provided.

# PRELIMINARY DRAFT OF

## Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, and Criminal Procedure, and the Federal Rules of Evidence

### Request for Comment

Comments are sought on Amendments to:

Appellate Rule 6

Bankruptcy Rules 1014, 7004, 7008, 7012, 7016, 7054, 8001-8028, 9023, 9024, 9027, and 9033, and Official Forms 3A, 3B, 6I, 6J, 22A-1, 22A-2, 22B, 22C-1, and 22C-2

Criminal Rules 5 and 58

Evidence Rules 801 and 803

All Written Comments are Due by  
February 15, 2013



THE UNITED STATES COURTS

Prepared by the  
Committee on Rules of Practice and Procedure of the Judicial  
Conference of the United States

AUGUST 2012

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES  
WASHINGTON, D.C. 20544

MARK R. KRAVITZ  
CHAIR  
PETER G. McCABE  
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

JEFFREY S. SUTTON  
APPELLATE RULES

EUGENE R. WEDOFF  
BANKRUPTCY RULES

DAVID G. CAMPBELL  
CIVIL RULES

REENA RAGGI  
CRIMINAL RULES

SIDNEY A. FITZWATER  
EVIDENCE RULES

MEMORANDUM

**TO:** Honorable Mark R. Kravitz, Chair  
Standing Committee on Rules of Practice and Procedure

**FROM:** Honorable Eugene R. Wedoff, Chair  
Advisory Committee on Bankruptcy Rules

**DATE:** May 14, 2012

**RE:** Report of the Advisory Committee on Bankruptcy Rules

**I. Introduction**

The Advisory Committee on Bankruptcy Rules met on March 29 and 30, 2012, in Phoenix, Arizona.

\* \* \* \* \*

The Advisory Committee also took action at the spring meeting on proposed rule and form amendments that resulted from two long-term Committee projects: (1) revision of the bankruptcy appellate rules (Part VIII of the Rules of Bankruptcy Procedure) and (2) revision of all of the official bankruptcy forms (the Forms Modernization Project). The Committee requests publication for public comment of revised Part VIII and several modernized forms for use in individual-debtor bankruptcy cases.

Other matters considered by the Advisory Committee included suggestions for rule or form amendments that were submitted by members of the bench and bar, including rule amendments proposed in response to the Supreme Court's decision in *Stern v. Marshall*, 131 S.

Report to the Standing Committee  
Advisory Committee on Bankruptcy Rules

Ct. 2594 (2011). The Committee voted to recommend several rule and form amendments in response to these suggestions.

Part II of this report discusses the action items, which are grouped into three categories:

(a) matters published in August 2011 for which the Advisory Committee seeks approval for transmission to the Judicial Conference—amendments to Rules 1007(b), 5009(b), 9006, 9013, and 9014, and Official Form 7;

(b) matters for which the Advisory Committee seeks approval for transmission to the Judicial Conference without publication—technical or conforming amendments to Rule 4004(c) and Official Forms 9A - 9I, 10, and 21; and

(c) matters for which the Advisory Committee seeks approval for publication in August 2012—amendments to Rules 1014, 7004, 7008, 7012, 7016, 8001-8028, 9023, 9024, 9027, and 9033, and Official Forms 3A, 3B, 6I, 6J, 22A-1, 22A-2, 22B, 22C-1, and 22C-2.

\* \* \* \* \*

**B. Items for Publication in August 2012**

**The Advisory Committee recommends that the proposed amendments that are summarized below be published for public comment.** The texts of the amended rules and official forms are set out in Appendix B.

**Action Item 7. Rule 1014(b)** would be amended to clarify the proper course of action when bankruptcy petitions involving the same or related debtors are filed in different districts. The current rule provides that, upon a motion, the court in which the first-filed petition is pending may determine—in the interest of justice or for the convenience of the parties—the district or districts in which the cases will proceed. Courts in the other districts must stay proceedings in later-filed cases until the first court makes its determination, unless that court orders otherwise. By default, the later cases are therefore stayed while the venue question is pending before the first court.

The Advisory Committee voted to seek publication of an amendment to Rule 1014(b) that alters this default requirement. The amendment provides that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending. This change is intended to prevent disruption of the other cases unless there is a judicial determination that a stay of a related case is needed while the first court makes its venue determination. The amendment will also clarify who should receive notice of the hearing on the venue motion by incorporating by reference the entities entitled to notice under Rule 2002(a). In addition, stylistic changes have been made to the rule.

**Action Item 8. Rule 7004(e)** would be amended to change the time in which a summons remains valid after it is issued. The amendment reduces that period from fourteen days to seven days. This change is intended to ensure that a defendant has sufficient time to respond to a

Report to the Standing Committee  
Advisory Committee on Bankruptcy Rules

complaint in bankruptcy litigation. The Civil Rules and Bankruptcy Rules use different methods to calculate a defendant's time to respond to a complaint. Under the Civil Rules, the defendant's time to respond begins when the summons and complaint are served. The Bankruptcy Rules, however, calculate the defendant's response time from the date the summons is issued. Although Rule 7012(a) of the Bankruptcy Rules gives a defendant (other than a United States officer or agency) thirty days to answer a complaint, a lengthy delay between issuance and service of the summons may unduly shorten the defendant's time to respond in a bankruptcy proceeding.

Concluding that a seven-day window of time is sufficient for service of the summons, the Advisory Committee voted unanimously to seek publication of an amendment to shorten the period of time in which a summons remains valid. The amendment is intended to encourage prompt service after issuance of a summons.

**Action Item 9. Rules 7008, 7012, 7016, 9027, and 9033** would be amended to respond to the Supreme Court's recent decision in *Stern v. Marshall*, 131 S. Ct. 2594 (2011). In *Stern*, the Court held that a non-Article III bankruptcy judge could not enter final judgment on a debtor's common law counterclaim brought against a creditor of the bankruptcy estate. Although the Judicial Code, 28 U.S.C. § 157(b), deemed the counterclaim a "core" proceeding that a bankruptcy judge could hear and determine, the Court found Congress's assignment of final adjudicatory authority to the bankruptcy judge in the proceeding to be unconstitutional.

The Bankruptcy Rules follow the Judicial Code's division between core and non-core proceedings. The current rules contemplate that a bankruptcy judge's adjudicatory authority is more limited in non-core proceedings than in core proceedings. For example, parties are required to state whether they do or do not consent to final adjudication by the bankruptcy judge in non-core proceedings. There is no comparable requirement for core proceedings. *Stern* has introduced the possibility, however, that a proceeding defined as core under the Judicial Code may nevertheless lie beyond the constitutional power of a bankruptcy judge to adjudicate finally. Accordingly, a proceeding could be "core" as a statutory matter but "non-core" as a constitutional matter.

The Advisory Committee voted unanimously to seek publication of amendments to the Bankruptcy Rules that address this concern. The proposed amendments will alter the Bankruptcy Rules in three respects. First, the terms core and non-core will be removed from Rules 7008, 7012, 9027, and 9033 to avoid possible confusion in light of *Stern*. Second, parties in all bankruptcy proceedings (including removed actions) will be required to state whether they do or do not consent to entry of final orders or judgment by the bankruptcy judge. Third, Rule 7016, which governs pretrial procedures, will be amended to direct bankruptcy courts to decide the proper treatment of proceedings.

These amendments are not intended to take a position on the question whether party consent is sufficient to permit a bankruptcy judge to enter final judgment in a proceeding that would otherwise lie beyond the judge's adjudicatory authority. Instead, the proposed changes to the Bankruptcy Rules are designed to frame the question of adjudicatory authority and allow the bankruptcy judge to determine the appropriate course of action. The court must decide whether to hear and finally adjudicate the proceeding, whether to hear it and issue proposed findings and conclusions, or whether to take some other action.

**Action Items 12-14. Initial revised forms for individual debtors.**

The nine forms proposed for publication in these action items are the initial products of the Forms Modernization Project or FMP, a multi-year endeavor of the Advisory Committee, working in conjunction with the Federal Judicial Center and the Administrative Office. The dual goals of the FMP are to improve the official bankruptcy forms and to improve the interface between the forms and available technology. The judiciary is in the process of developing “the next generation” of CM/ECF (NextGen), and the modernized forms are being designed to use enhanced technology that will become available through NextGen. From a forms perspective, the major change in NextGen will be the ability to store all information on forms as data so that authorized users can produce customized reports containing the information they want from the forms, displayed in whatever format they choose.

The FMP made a preliminary decision that the debtor forms for individuals and entities other than individuals should be separated. There is a greater need for the forms submitted by individuals to be less technical, because individuals are generally less sophisticated than other entities and because individuals may not have the assistance of counsel. Accordingly, the forms for individual debtors are designed to use language more common in ordinary conversation, to employ more intuitive layouts, and to include both clearer instructions, examples within the forms, and more extensive separate instruction sheets.

This approach in form drafting was followed in the new forms adopted in connection with proofs of claim for certain mortgages in chapter 13 cases—Official Forms 10 (Attachment A), 10 (Supplement 1), and 10 (Supplement 2)—that went into effect on December 1, 2011. The format of these new forms has generally been well accepted.

Report to the Standing Committee  
Advisory Committee on Bankruptcy Rules

The nine forms now being submitted for publication are among those that an individual debtor would file at the outset of a case.

Before adoption by the Advisory Committee, drafts of all of the individual debtor forms were circulated to organizations representing a range of users and to other reviewers. A concern expressed by some of the user groups was that the new format resulted in forms of greater length, creating additional difficulty in locating the information needed by the users. This problem would be addressed by allowing extraction of data from the forms, which could be reported in formats tailored to the users' needs, but the availability of such access depends in part on the timing of the development of NextGen, which is not certain.

Accordingly, the Advisory Committee has suggested an incremental approach. The nine forms now being proposed for publication—the fee waiver and installment fee forms, the income and expense forms, and the means test forms—reflect the FMP approach to form-drafting without imposing major changes in utility. These particular forms make no change in the substantive content and simply replace existing forms. They are not significantly longer than the forms they replace, they all involve the debtors' income and expenses, and they are employed by a range of users: the courts, U.S. Trustees, and case trustees, for varied purposes. Their publication and, if adopted, their use, will provide a useful gauge of the effectiveness of the FMP approach.

The text of the nine new forms is set out in Appendix B.3 to this report. The separate instructions for the forms are also included, even though the Advisory Committee does not anticipate requesting that the instructions be approved as Official Forms, and debtors are instructed not to file the instructions with the forms. The inclusion of the instructions with the published forms is to illustrate the manner in which the new forms will be presented to debtors. Setting out detailed instructions on a separate document will reduce the need for lengthy instructions in the forms themselves.

**Action Item 12. Official Forms 3A and 3B**

These forms both deal with payment of the filing fee for an individual's bankruptcy case, and replace current Official Forms 3A and 3B. Form 3A is the application for paying the filing fee installments; Form 3B is the application for waiver of the filing fee in a chapter 7 case. Because these forms are most frequently completed by unrepresented debtors, the Advisory Committee concluded that the additional clarity of the FMP approach may be of particular value here. The only changes in Form 3A are stylistic, consistent with the overall approach of the project.

Official Form 3B also includes three technical changes. First, Line 1 of the form asks the size of the debtor's family. Because the debtor's dependents are now proposed to be listed in revised Official Form 6J, rather than in Official Form 6I, as done presently, the reference to the number of dependents changed from Schedule I to Schedule J. Second, consistent with the Judicial Conference Interim Procedures For Waiver of Chapter 7 Fees, proposed Official Form 3B specifies that non-cash governmental assistance (such as food stamps or housing subsidies) should not be included in stating the debtor's income level for purposes of determining eligibility for a fee waiver, although it continues to be reported for purposes of determining the debtor's ability to pay the filing fee. Third, the declaration and signature section for a non-attorney

Report to the Standing Committee  
Advisory Committee on Bankruptcy Rules

bankruptcy petition preparer (BPP) has been removed as unnecessary. The same declaration, required under 11 U.S.C. § 110, is contained in Official Form 19. That form must be completed and signed by the BPP, and filed with each document for filing prepared by a BPP.

**Action Item 13. Official Forms 6I and 6J**

Official Forms 6I and 6J—usually referred to as Schedules I and J—set out the income and expenses of an individual debtor. In addition to the stylistic changes made as part of the Forms Modernization Project, the revised versions of the forms contain several changes intended to provide more accurate and useful information.

The revised forms address the situation of a debtor who lives with and pools assets with other people who are not related by blood or marriage to debtor. Schedule I now includes as income any contributions made by someone else to the expenses listed on Schedule J, and the debtor is instructed to include contributions from an unmarried partner, members of the debtor's household, dependents, roommates, and other friends or relatives.

Revised Schedule J now requests separate information on dependents who live with the debtor, dependents who live separately, and other members of the household.

In chapter 13 cases, revised Schedule J asks for expenses at two different points in time—the date the debtor files bankruptcy (Column A) and the date a proposed 13 plan is confirmed (Column B). This allows Schedule J to state what the debtor's expenses will be as a result of the confirmed plan, thus facilitating a determination of the plan's feasibility.

A new line 23 is added to Schedule J, setting out a calculation of the debtor's monthly net income.

**Action Item 14. Official Forms 22A-1, 22A-2, 22B, 22C-1, 22C-2**

These forms are used in determining a debtor's current monthly income under 11 U.S.C. § 110(10A), and—in chapter 7 and 13 cases—in determining income remaining after deduction of expenses specified in statutes governing those chapters. The forms for chapter 7 and 13 cases are generally referred to as the “means test” forms. In Official Form 22B, the statement of current monthly income in chapter 11 cases filed by individuals, the only changes are stylistic, conforming to the overall approach of the Forms Modernization Project. For chapters 7 and 13, however, the means test forms have been revised in several additional ways.

First, and most significantly, the means test forms have been divided into two separate forms: one for income (Official Form 22A-1 in chapter 7, Official Form 22C-1 in chapter 13), and the other for expenses (Official Form 22A-2 in chapter 7, Official Form 22C-2 in chapter 13). Because expense information is only required of debtors whose currently monthly income exceeds the applicable state median income, most debtors will not have to complete the expense forms, thereby reducing the volume of the filed forms.

Second, in both the chapter 7 and chapter 13 forms, the deduction for cell phone and internet expenses is modified to reflect more accurately the IRS allowances incorporated by the



Report to the Standing Committee  
Advisory Committee on Bankruptcy Rules

Bankruptcy Code. Under the applicable IRS “other necessary expense” standard, cell phone and other optional telecommunication services expenses are deductible not only if necessary for the health and welfare of the debtor and the debtor’s dependents, as stated in the current forms, but also if necessary for the production of income if not reimbursed by the debtor’s employer or deducted by the debtor in calculating net self-employment income. Revised Official Form 22A-2 (in line 23) and Official Form 22C-2 (in line 19) make this correction. On the other hand, unlike their counterparts in the current forms, these lines do not permit deduction of basic home internet expenses, because under IRS guidelines adopted in 2011, these expenses are included in the Local Standards for housing and utilities.

Third, line 60 of current Official Form 22C has not been repeated in Official Form 22C-2. Line 60 allows debtors to list, but not deduct from income, “Other Necessary Expense” items that are not included within the categories specified by the Internal Revenue Service. Because debtors are separately allowed to list—and deduct—any expenses arising from special circumstances, former Line 60 was rarely used.

Finally, Form 22C-2 also reflects the Supreme Court’s decision in *Hamilton v. Lanning*, 130 S. Ct. 2464 (2010). Adopting a forward-looking approach, the Court stated in *Lanning* that the calculation of a chapter 13 debtor’s projected disposable income under 11 U.S.C. § 1325(b) requires consideration of changes to income or expenses that, at the time of plan confirmation, have occurred or are virtually certain to occur. Such changes could result in either an increased or decreased projected disposable income. Because only debtors whose annualized current monthly income exceeds the applicable median family income have their projected disposable income determined by the information provided on Official Form 22C-2, only these debtors are required to provide the information about changes to income and expenses on Official Form 22C-2. Part 3 of Official Form 22C-2 provides for the reporting of those changes.

\* \* \* \* \*

**Rule 7004. Process; Service of Summons, Complaint**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

\* \* \* \* \*

(e) SUMMONS: TIME LIMIT FOR SERVICE WITHIN  
THE UNITED STATES. Service made under Rule 4(e), (g),  
(h)(1), (i), or (j)(2) F.R. Civ. P. shall be by delivery of the  
summons and complaint within ~~14~~ 7 days after the summons is  
issued. If service is by any authorized form of mail, the summons  
and complaint shall be deposited in the mail within ~~14~~ 7 days after  
the summons is issued. If a summons is not timely delivered or  
mailed, another summons shall be issued and served. This  
subdivision does not apply to service in a foreign country.

\* \* \* \* \*

**COMMITTEE NOTE**

Subdivision (e) is amended to alter the period of time during which service of the summons and complaint must be made. The amendment reduces that period from fourteen days to seven days after issuance of the summons. Because Rule 7012 provides that the defendant's time to answer the complaint is calculated from the date the summons is issued, a lengthy delay between issuance and service of the summons may unduly shorten the defendant's time to respond. The amendment is therefore intended to encourage prompt service after issuance of a summons.

**Rule 7008. General Rules of Pleading**

1                   ~~(a) APPLICABILITY OF RULE 8 F.R.CIV.P.~~ Rule 8  
2                   F.R.Civ.P. applies in adversary proceedings. The allegation of  
3                   jurisdiction required by Rule 8(a) shall also contain a reference to  
4                   the name, number, and chapter of the case under the Code to which  
5                   the adversary proceeding relates and to the district and division  
6                   where the case under the Code is pending. In an adversary  
7                   proceeding before a bankruptcy ~~judge~~ court, the complaint,  
8                   counterclaim, cross-claim, or third-party complaint shall contain a  
9                   statement ~~that the proceeding is core or noncore and, if non-core~~  
10                  that the pleader does or does not consent to entry of final orders or  
11                  judgment by the bankruptcy ~~judge~~ court.

12                  ~~(b) ATTORNEY'S FEES. A request for an award of~~  
13                  attorney's fees shall be pleaded as a claim in a complaint, cross=  
14                  claim, third-party complaint, answer, or reply as may be  
15                  appropriate.

**COMMITTEE NOTE**

Former subdivision (a) is amended to remove the requirement that the pleader state whether the proceeding is core or non-core and to require in all proceedings that the pleader state whether the party does or does not consent to the entry of final orders or judgment by the bankruptcy court. Some proceedings that satisfy the statutory definition of core proceedings, 28 U.S.C. § 157(b)(2), may remain beyond the constitutional power of a bankruptcy judge to adjudicate finally. The amended rule calls for the pleader to make a statement regarding consent, whether or not a proceeding is termed non-core. Rule 7012(b) has been amended to require a similar

statement in a responsive pleading. The bankruptcy judge will then determine the appropriate course of proceedings under Rule 7016.

The rule is also amended to delete subdivision (b), which required a request for attorney's fees always to be pleaded as a claim in an allowed pleading. That requirement, which differed from the practice under the Federal Rules of Civil Procedure, had the potential to serve as a trap for the unwary.

The procedures for seeking an award of attorney's fees are now set out in Rule 7054(b)(2), which makes applicable most of the provisions of Rule 54(d)(2) F.R. Civ. P. As specified by Rule 54(d)(2)(A) and (B) F.R. Civ. P., a claim for attorney's fees must be made by a motion filed no later than 14 days after entry of the judgment unless the governing substantive law requires those fees to be proved at trial as an element of damages. When fees are an element of damages, such as when the terms of a contract provide for the recovery of fees incurred prior to the instant adversary proceeding, the general pleading requirements of this rule still apply.

**Rule 7012. Defenses and Objections—When and How Presented— By Pleading or Motion—Motion for Judgment on the Pleadings**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

\* \* \* \* \*

(b) APPLICABILITY OF RULE 12(b)-(I) F.R. CIV. P.  
Rule 12(b)-(i) F.R. Civ. P. applies in adversary proceedings. A responsive pleading ~~shall admit or deny an allegation that the proceeding is core or non-core. If the response is that the proceeding is non-core it shall include a statement that the party does or does not consent to entry of final orders or judgment by the bankruptcy judge court. In non-core proceedings, final orders and judgments shall not be entered on the bankruptcy judge’s order except with the express consent of the parties.~~

**COMMITTEE NOTE**

Subdivision (b) is amended to remove the requirement that the pleader state whether the proceeding is core or non-core and to require in all proceedings that the pleader state whether the party does or does not consent to the entry of final orders or judgment by the bankruptcy court. The amended rule also removes the provision requiring express consent before the entry of final orders and judgments in non-core proceedings. Some proceedings that satisfy the statutory definition of core proceedings, 28 U.S.C. § 157(b)(2), may remain beyond the constitutional power of a bankruptcy judge to adjudicate finally. The amended rule calls for the pleader to make a statement regarding consent, whether or not a proceeding is termed non-core. This amendment complements the requirements of amended Rule 7008(a). The bankruptcy judge’s subsequent determination of the appropriate course of proceedings, including whether to enter final orders and judgments or to issue proposed findings of fact and conclusions of law, is a pretrial matter now provided for in amended Rule 7016.

**Rule 7016. Pre-Trial Procedures; Formulating Issues**

1                   (a) PRETRIAL CONFERENCES; SCHEDULING;  
2                   MANAGEMENT. Rule 16 F.R.Civ.P. applies in adversary  
3                   proceedings.

4                   (b) DETERMINING PROCEDURE. The bankruptcy  
5                   court shall decide, on its own motion or a party's timely motion,  
6                   whether:

7                                   (1) to hear and determine the proceeding;

8                                   (2) to hear the proceeding and issue proposed  
9                                   findings of fact and conclusions of law; or

10                                  (3) to take some other action.

**COMMITTEE NOTE**

This rule is amended to create a new subdivision (b) that provides for the bankruptcy court to enter final orders and judgment, issue proposed findings and conclusions, or take some other action in a proceeding. The rule leaves the decision as to the appropriate course of proceedings to the bankruptcy court. The court's decision will be informed by the extent of the district court's order of reference to the bankruptcy court and by the parties' statements, required under Rules 7008(a), 7012(b), and 9027(a) and (e), regarding consent to the entry of final orders and judgment. If the bankruptcy court chooses to issue proposed findings of fact and conclusions of law, Rule 9033 applies.

**Rule 9027. Removal**

1 (a) NOTICE OF REMOVAL.

2 (1) *Where filed; form and content.* A notice of  
3 removal shall be filed with the clerk for the district and  
4 division within which is located the state or federal court  
5 where the civil action is pending. The notice shall be  
6 signed pursuant to Rule 9011 and contain a short and plain  
7 statement of the facts which entitle the party filing the  
8 notice to remove, contain a statement that upon removal of  
9 the claim or cause of action ~~the proceeding is core or non-~~  
10 ~~core and, if non-core, that~~ the party filing the notice does or  
11 does not consent to entry of final orders or judgment by the  
12 bankruptcy ~~judge~~ court, and be accompanied by a copy of  
13 all process and pleadings.

14 \* \* \* \* \*

15 (e) PROCEDURE AFTER REMOVAL.

16 \* \* \* \* \*

17 (3) Any party who has filed a pleading in  
18 connection with the removed claim or cause of action,  
19 other than the party filing the notice of removal, shall file a  
20 ~~statement admitting or denying any allegation in the notice~~  
21 ~~of removal that upon removal of the claim or cause of~~

22                    ~~action the proceeding is core or non-core. If the statement~~  
23                    ~~alleges that the proceeding is non-core, it shall state that the~~  
24                    party does or does not consent to entry of final orders or  
25                    judgment by the bankruptcy ~~judge~~ court. A statement  
26                    required by this paragraph shall be signed pursuant to Rule  
27                    9011 and shall be filed not later than 14 days after the filing  
28                    of the notice of removal. Any party who files a statement  
29                    pursuant to this paragraph shall mail a copy to every other  
30                    party to the removed claim or cause of action.

31                    \* \* \* \* \*

#### **COMMITTEE NOTE**

Subdivisions (a)(1) and (e)(3) are amended to delete the requirement for a statement that the proceeding is core or non-core and to require in all removed actions a statement that the party does or does not consent to the entry of final orders or judgment by the bankruptcy court. Some proceedings that satisfy the statutory definition of core proceedings, 28 U.S.C. § 157(b)(2), may remain beyond the constitutional power of a bankruptcy judge to adjudicate finally. The amended rule calls for a statement regarding consent at the time of removal, whether or not a proceeding is termed non-core.

The party filing the notice of removal must include a statement regarding consent in the notice, and the other parties who have filed pleadings must respond in a separate statement filed within 14 days after removal. If a party to the removed claim or cause of action has not filed a pleading prior to removal, however, there is no need to file a separate statement under subdivision (e)(3), because a statement regarding consent must be included in a responsive pleading filed pursuant to Rule 7012(b). Rule 7016 governs the bankruptcy court's decision whether to hear and determine the proceeding, issue proposed findings of fact and conclusions of law, or take some other action in the proceeding.



**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

# Official Form 3A

## Application for Individuals to Pay the Filing Fee in Installments

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

**Part 1: Specify Your Proposed Payment Timetable**

1. Which chapter of the Bankruptcy Code are you choosing to file under?

- Chapter 7..... Fee: **\$306**
- Chapter 11..... Fee: **\$1,046**
- Chapter 12..... Fee: **\$246**
- Chapter 13..... Fee: **\$281**

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you first file for bankruptcy. If necessary, you may ask the court to extend the deadline to 180 days after you file. In that case, you must explain why you need the extension. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$ _____	<input type="checkbox"/> With the filing of the petition	_____
	<input type="checkbox"/> On or before this date.....	MM / DD / YYYY
\$ _____	On or before this date.....	_____
		MM / DD / YYYY
\$ _____	On or before this date.....	_____
		MM / DD / YYYY
+ \$ _____	On or before this date.....	_____
		MM / DD / YYYY

**Total**

\$ \_\_\_\_\_

◀ Your total must equal the entire fee for the chapter you checked in line 1.

**Part 2: Sign Here**

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

- You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with your bankruptcy case.
- You must pay the entire fee no later than 120 days after you first file for bankruptcy, unless the court extends your deadline to 180 days. Your debts will not be discharged until your entire fee is paid.
- If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

\_\_\_\_\_  
Signature of Debtor 1

\_\_\_\_\_  
Signature of Debtor 2

\_\_\_\_\_  
Your attorney's name and signature, if you used one

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number (if known): \_\_\_\_\_

Chapter 7  
 Chapter 11  
 Chapter 12  
 Chapter 13

## Order Approving Payment of Filing Fee in Installments

After considering the *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 3A), the court orders that:

- The debtor(s) may pay the filing fee in installments on the terms proposed in the application.
- The debtor(s) must pay the filing fee according to the following terms:

You must pay...	On or before this date...
\$ _____	_____ Month / day / year
\$ _____	_____ Month / day / year
\$ _____	_____ Month / day / year
+ \$ _____	_____ Month / day / year
<b>Total</b>	<input type="text"/>

Until the filing fee is paid in full, the debtor(s) must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with this case.

\_\_\_\_\_  
Month / day / year

**By the court:** \_\_\_\_\_  
United States Bankruptcy Judge

## Official Form 3A

# Instructions for the Application for Individuals to Pay the Filing Fee in Installments

---

United States Bankruptcy Court

12/01/13

### How to Fill Out the Application

If you cannot afford to pay the full filing fee when you first file for bankruptcy, you may pay the fee in installments. However, in most cases, you must pay the entire fee within 120 days after you file, and the court must approve your payment timetable. Your debts will not be discharged until you pay your entire fee.

Do not file this form if you can afford to pay your full fee when you file.

If you are filing under chapter 7 and cannot afford to pay the full filing fee at all, you may be qualified to ask the court to waive your filing fee. See *Application to Have Your Chapter 7 Filing Fee Waived* (Official Form 3B).

If a bankruptcy petition preparer helped you complete this form, make sure that person fills out the *Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer* (Official Form 19); include a copy of it in this package.

### Things to remember when filling out this form

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.

**Do not file these instructions with your bankruptcy filing package. Keep them for your records.**

### **COMMITTEE NOTE**

This form, which applies only in cases of individual debtors, has been revised as part of the Forms Modernization Project, making the form easier to read and, as a result, likely to generate more complete and accurate responses. Also, the declaration and signature section for a non-attorney bankruptcy petition preparer (BPP) has been removed as unnecessary. The same declaration, required under 11 U.S.C. § 110, is contained in Official Form 19. That form must be completed and signed by the BPP, and filed with each document for filing prepared by a BPP.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 3B**

**Application to Have the Chapter 7 Filing Fee Waived**

12/13

**Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.**

**Part 1: Tell the Court About Your Family and Your Family's Income**

**1. What is the size of your family?**

Your family includes you, your spouse, and any dependents listed on *Schedule J: Current Expenditures of Individual Debtor(s)* (Official Form 6J).

\_\_\_\_\_ Number of people

Check all that apply.

- You  
 Your spouse  
 Your dependents \_\_\_\_\_

How many dependents?

**2. Fill in your family's average monthly income.**

Include your spouse's income if your spouse is living with you, even if your spouse is not filing.

Do not include your spouse's income if you are separated and your spouse is not filing with you.

Do not include non-cash governmental assistance such as food stamps or housing subsidies.

Person in your family	That person's average monthly net income (take-home pay)
You	\$ _____
Your spouse	+ \$ _____
Total	\$ _____

Add your income and your spouse's income or copy line 10 of *Schedule I: Your Income*, if you have already filled it out.

**Your family's average monthly net income**

**3. Do you receive any non-cash governmental assistance not included in your answer on line 2?**

- No  
 Yes. Explain. ....

Type of assistance	Monthly dollar value
_____	\$ _____

**4. Do you expect your family's average monthly net income to increase or decrease by more than 10% during the next 6 months?**

- No  
 Yes. Explain. ....

\_\_\_\_\_

**5. Tell the court why you are unable to pay the filing fee in installments within 120 days.**

\_\_\_\_\_

**Part 2: Tell the Court About Your Monthly Expenses**

**6. Estimate your average monthly expenses.** \$ \_\_\_\_\_ You may use *Schedule J: Your Expenses* to determine your estimation. If you have already filled out *Schedule J*, copy line 22.

**7. Do these expenses cover anyone who is not included in your family as reported in line 1?**  
 No  
 Yes. Identify who.... \_\_\_\_\_

**8. Does anyone other than you regularly pay any of these expenses?**  
 No  
 Yes. Identify who..... \_\_\_\_\_  
 How much does this person regularly pay? \$ \_\_\_\_\_ monthly  
 List any contributions to expenses you have or will list in line 11 of *Schedule I: Your Income*.

**9. Do you expect your average monthly expenses to increase or decrease by more than 10% during the next 6 months?**  
 No  
 Yes. Explain ..... \_\_\_\_\_

**Part 3: Tell the Court About Your Property**

If you have already filled out *Schedule A: Real Property (Official Form 6A)* and *Schedule B: Personal Property (Official Form 6B)*, attach copies to this application and go to Part 4.

**10. How much cash do you have?**  
*Examples:* Money you have in your wallet, in your home, and on hand when you file this application  
 Cash: \$ \_\_\_\_\_

**11. Bank accounts and other deposits of money?**  
*Examples:* Checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, and other similar institutions. If you have more than one account with the same institution, list each. Do not include 401(k) and IRA accounts.  
 Institution name: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Checking account: \_\_\_\_\_ \$ \_\_\_\_\_  
 Savings account: \_\_\_\_\_ \$ \_\_\_\_\_  
 Other financial accounts: \_\_\_\_\_ \$ \_\_\_\_\_  
 Other financial accounts: \_\_\_\_\_ \$ \_\_\_\_\_

**12. Your home?** (if you own it outright or are purchasing it)  
*Examples:* House, condominium, manufactured home, or mobile home  
 Number \_\_\_\_\_ Street \_\_\_\_\_ Current value: \$ \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Amount you owe on mortgage and liens: \$ \_\_\_\_\_

**13. Other real estate?**  
 Number \_\_\_\_\_ Street \_\_\_\_\_ Current value: \$ \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Amount you owe on mortgage and liens: \$ \_\_\_\_\_

**14. The vehicles you own?**  
*Examples:* Cars, vans, trucks, sports utility vehicles, motorcycles, tractors, boats  
 Make: \_\_\_\_\_ Current value: \$ \_\_\_\_\_  
 Model: \_\_\_\_\_ Amount you owe on liens: \$ \_\_\_\_\_  
 Year: \_\_\_\_\_  
 Mileage: \_\_\_\_\_  
 Make: \_\_\_\_\_ Current value: \$ \_\_\_\_\_  
 Model: \_\_\_\_\_ Amount you owe on liens: \$ \_\_\_\_\_  
 Year: \_\_\_\_\_  
 Mileage: \_\_\_\_\_

<b>15. Other assets?</b> Do not include household items and clothing.	<b>Describe the other assets:</b>	Current value: \$ _____
		Amount you owe on liens: \$ _____

<b>16. Money or property due you?</b> <i>Examples:</i> Tax refunds, past due or lump sum alimony, spousal support, child support, maintenance, divorce or property settlements, Social Security benefits, Workers' compensation, personal injury recovery	<b>Who owes you the money or property?</b> _____ _____	<b>How much is owed?</b> \$ _____ \$ _____	<b>Do you believe you will likely receive payment in the next 3 or 4 months?</b>
			<input type="checkbox"/> No <input type="checkbox"/> Yes. Explain: _____

**Part 4: Answer These Additional Questions**

<b>17. Have you paid anyone for services for this case, including filling out this application, the bankruptcy filing package, or the schedules?</b>	<input type="checkbox"/> No	<b>How much did you pay?</b> \$ _____
	<input type="checkbox"/> Yes. <b>Whom did you pay?</b> <input type="checkbox"/> An attorney <input type="checkbox"/> A bankruptcy petition preparer, paralegal, or typing service <input type="checkbox"/> Someone else _____	

<b>18. Have you promised to pay or do you expect to pay someone for services for your bankruptcy case?</b>	<input type="checkbox"/> No	<b>How much do you expect to pay?</b> \$ _____
	<input type="checkbox"/> Yes. <b>Whom do you expect to pay?</b> <input type="checkbox"/> An attorney <input type="checkbox"/> A bankruptcy petition preparer, paralegal, or typing service <input type="checkbox"/> Someone else _____	

<b>19. Has anyone paid someone on your behalf for services for this case?</b>	<input type="checkbox"/> No	<b>Who paid?</b> <input type="checkbox"/> Parent <input type="checkbox"/> Brother or sister <input type="checkbox"/> Friend <input type="checkbox"/> Pastor or clergy <input type="checkbox"/> Someone else _____	<b>How much did someone else pay?</b> \$ _____
	<input type="checkbox"/> Yes. <b>Who was paid on your behalf?</b> <input type="checkbox"/> An attorney <input type="checkbox"/> A bankruptcy petition preparer, paralegal, or typing service <input type="checkbox"/> Someone else _____		

<b>20. Have you, your spouse, or both of you filed for bankruptcy within the last 8 years?</b>	<input type="checkbox"/> No		
	<input type="checkbox"/> Yes. District _____	When _____ MM/DD/YYYY	Case number _____
	District _____	When _____ MM/DD/YYYY	Case number _____

**Part 5: Sign Here**

By signing here under penalty of perjury, I declare that I cannot afford to pay the filing fee either in full or in installments. I also declare that the information I provided in this application is true and correct.

**x** \_\_\_\_\_  
Signature of Debtor 1

**x** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(if known)

## Order on the Application to Have the Chapter 7 Filing Fee Waived

After considering the debtor's *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 3B), the court orders that the application is:

- Granted.** However, the court may order the debtor to pay the fee in the future if developments in administering the bankruptcy case show that the waiver was unwarranted.
- Denied.** The debtor must pay the \$306 filing fee according to the following terms:

You must pay...	On or before this date...
\$ _____ . _____	_____ / _____ / _____ Month / day / year
\$ _____ . _____	_____ / _____ / _____ Month / day / year
\$ _____ . _____	_____ / _____ / _____ Month / day / year
+ \$ _____ . _____	_____ / _____ / _____ Month / day / year
<b>Total</b>	<b>\$ 306.00</b>

If the debtor would like to propose a different payment timetable, the debtor must file a motion promptly with a payment proposal. The debtor may use *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 3A) for this purpose. The court will consider it.

The debtor must pay the entire filing fee before making any more payments or transferring any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with the bankruptcy case. The debtor must also pay the entire filing fee to receive a discharge. If the debtor does not make any payment when it is due, the bankruptcy case may be dismissed and the debtor's rights in future bankruptcy cases may be affected.

**Scheduled for hearing.**

A hearing to consider the debtor's application will be held

on \_\_\_\_\_ at \_\_\_\_\_: \_\_\_\_\_ AM/PM at \_\_\_\_\_.  
Month / day / year Address of courthouse

If the debtor does not appear at this hearing, the court may deny the application.

\_\_\_\_\_ **By the court:** \_\_\_\_\_  
Month / day / year United States Bankruptcy Judge



## Official Form 3B

# Instructions for the Application to Have the Chapter 7 Filing Fee Waived

United States Bankruptcy Court

12/01/2013

### How to Fill Out the Application

The fee for filing a bankruptcy case under Chapter 7 is \$306. If you cannot afford to pay the entire fee now in full or in installments within 120 days, use this form. If you can afford to pay your filing fee in installments, see *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 3A).

If you file this form, you are asking the court to waive your fee. After reviewing your application, the court may waive your fee, set a hearing for further investigation, or require you to pay the fee in installments or in full.

#### **For your fee to be waived, all of these statements must be true:**

- You are filing for bankruptcy under Chapter 7.
- You are an individual.
- The total combined monthly income for your family is less than 150% of the official poverty guideline last published by the U.S. Department of Health and Human Services (DHHS). (For more information about the guidelines, go to <http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/PovertyGuidelines.aspx>.)
- You cannot afford to pay the fee in installments.

*Your family* includes you, your spouse, and any dependents listed on *Schedule J*. Your family may be different from your *household*, referenced on *Schedules I* and *J*. Your household may include your unmarried partner and others who live with you and with whom you share income and expenses.

If a bankruptcy petition preparer helped you complete this

**Do not file these instructions with your bankruptcy filing package. Keep them for your records.**

form, make sure that person fills out *Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer* (Official Form 19); include a copy of it in this package.

If you have already completed the following forms, the information on them may help you when you fill out this application:

- *Schedule A: Real Property* (Official Form 6A)
- *Schedule I: Your Income* (Official Form 6I)
- *Schedule J: Your Expenses* (Official Form J)

### Understand the terms used in this form

The *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 3B) uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form uses *you* to ask for information from both debtors. For example, if the form asks, “Do you own a car?” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

### Things to remember when filling out this form

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.

### **COMMITTEE NOTE**

This form, which applies only in cases of individual debtors, has been revised as part of the Forms Modernization Project, making the form easier to read and, as a result, likely to generate more complete and accurate responses. Additionally, in calculating the income that determines the debtor's initial eligibility for a fee waiver, line 2 of the form now directs the debtor to exclude non-cash governmental assistance, such as food stamps and housing subsidies. However, because non-cash governmental assistance may be relevant in evaluating the additional requirement that the debtor be unable to pay the filing fee, the nature and amount of any such assistance is to be reported separately on line 3. Also, the declaration and signature section for a non-attorney bankruptcy petitioner preparer (BPP) has been removed as unnecessary. The same declaration, required under 11 U.S.C. § 110, is contained in Official Form 19. That form must be completed and signed by the BPP, and filed with each document for filing prepared by a BPP.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

**Official Form 6I**  
**Schedule I: Your Income**

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Employment**

**1. Fill in your employment information.**

If you have more than one job, attach a separate page with information about additional employers.

Include employment information about a non-filing spouse unless you are separated.

Include part-time, seasonal, or self-employed work.

Occupation should include student or homemaker, if it applies.

	Debtor 1	Debtor 2 or non-filing spouse
<b>Employment status</b>	Employed Not employed	Employed Not employed
<b>Occupation</b>	_____	_____
<b>Employer's name</b>	_____	_____
<b>Employer's address</b>	Number Street _____ _____ City State ZIP Code	Number Street _____ _____ City State ZIP Code
<b>How long employed there?</b>	_____	_____

**Part 2: Give Details About Monthly Income**

**Estimate monthly income as of the date you file this form.** If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. <b>List monthly gross wages, salary, and commissions</b> (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ _____	\$ _____
3. <b>Estimate and list monthly overtime pay, if any.</b>	3. + \$ _____	+ \$ _____
4. <b>Calculate gross income.</b> Add line 2 + line 3.	4. \$ _____	\$ _____

	For Debtor 1	For Debtor 2 or non-filing spouse	
Copy line 4 here..... → 4.	\$ _____	\$ _____	
<b>5. List all payroll deductions:</b>			
5a. Payroll taxes and social security payments	5a. \$ _____	\$ _____	
5b. Contributions for retirement plans	5b. \$ _____	\$ _____	
5c. Required repayments of retirement fund loans	5c. \$ _____	\$ _____	
5d. Insurance	5d. \$ _____	\$ _____	
5e. Union dues	5e. \$ _____	\$ _____	
5f. Other deductions. Specify: _____	5f. \$ _____	\$ _____	
5g. Other deductions. Specify: _____	5g. \$ _____	\$ _____	
5h. Other deductions. Specify: _____	5h. + \$ _____	+ \$ _____	
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e +5f + 5g +5h.	6. \$ _____	\$ _____	
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ _____	\$ _____	
<b>8. List all other income regularly received:</b>			
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ _____	\$ _____	
8b. Interest and dividends	8b. \$ _____	\$ _____	
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ _____	\$ _____	
8d. Unemployment compensation	8d. \$ _____	\$ _____	
8e. Social Security	8e. \$ _____	\$ _____	
8f. Other government assistance. Specify: _____	8f. \$ _____	\$ _____	
8g. Pension or retirement income	8g. \$ _____	\$ _____	
8h. Other monthly income. Specify: _____	8h. + \$ _____	+ \$ _____	
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f +8g + 8h.	9. \$ _____	\$ _____	
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ _____	+ \$ _____	= \$ _____
11. List all contributions to the expenses that you list in <i>Schedule J</i> that anyone else makes. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in <i>Schedule J</i> . Specify: _____			11. + \$ _____
12. Add the amount in last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Schedules</i> and the <i>Statistical Summary of Certain Liabilities and Related Data</i> , if it applies.			12. \$ _____
			<b>Combined monthly income</b>
13. Do you expect an increase or decrease within the year after you file this form? <input type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____			

## Official Form 6I

# Instructions for Schedule I: Your Income

United States Bankruptcy Court

12/01/13

### How to fill out Schedule I

In *Schedule I: Your Income* (Official Form 6I), you will give the details about your employment and monthly income as of the date you file this form. If you are married and your spouse is living with you, include information about your spouse even if your spouse is not filing with you. If you are separated and your spouse is not filing with you, do not include information about your spouse.

### How to report employment and income

If you have nothing to report for a line, write \$0.

In Part 1, line 1, fill in employment information for you and, if appropriate, for a non-filing spouse. If either person has more than one employer, attach a separate page with information about the additional employment.

In Part 2, give details about the monthly income you currently expect to receive. Show all totals as monthly payments, even if income is not received in monthly payments.

If your income is received in another time period, such as daily, weekly, quarterly, annually, or irregularly, calculate how much income would be by month, as described below.

If either you or a non-filing spouse has more than one employer, calculate the monthly amount for each employer separately, and then combine the income information for all employers for that person on lines 2-7.

One easy way to calculate how much income would be per month is to total the payments earned in a year, then divide by 12 to get a monthly figure. For example, if you are paid annually, you would simply divide your annual salary by 12 to get the monthly amount.

Below are other examples of how to calculate monthly amount.

---

#### Example for quarterly payments:

If you are paid \$15,000 every quarter, figure your monthly income in this way:

$$\begin{array}{r} \$15,000 \text{ income every quarter} \\ \times \quad 4 \text{ pay periods in the year} \\ \hline \$60,000 \text{ total income for the year} \end{array}$$

$$\frac{\$60,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$5,000 \text{ monthly income}$$

---

#### Example for bi-weekly payments:

If you are paid \$2,500 every other week, figure your monthly income in this way:

$$\begin{array}{r} \$2,500 \text{ income every other week} \\ \times \quad 26 \text{ number of pay periods in the year} \\ \hline \$65,000 \text{ total income for the year} \end{array}$$

$$\frac{\$65,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$5,417 \text{ monthly income}$$

---

#### Example for weekly payment:

If you are paid \$1,000 every week, figure your monthly income in this way:

$$\begin{array}{r} \$1,000 \text{ income every week} \\ \times \quad 52 \text{ number of pay periods in the year} \\ \hline \$52,000 \text{ total income for the year} \end{array}$$

$$\frac{\$52,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$4,333 \text{ monthly income}$$

---

**Example for irregular payments:**

If you are paid \$4,000 8 times a year, figure your monthly income in this way:

$$\begin{array}{r} \$4,000 \text{ income a payment} \\ \times \quad 8 \text{ payments a year} \\ \hline \$32,000 \text{ income for the year} \\ \\ \frac{\$32,000 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$2,667 \text{ monthly income} \end{array}$$

---

**Example for daily payments:**

If you are paid \$75 a day and you work about 8 days a month, figure your monthly income in this way:

$$\begin{array}{r} \$75 \text{ income a day} \\ \times \quad 96 \text{ days a year} \\ \hline \$7,200 \text{ total income for the year} \\ \\ \frac{\$7,200 \text{ (income for year)}}{12 \text{ (number of months in year)}} = \$600 \text{ monthly income} \end{array}$$

or this way:

$$\begin{array}{r} \$75 \text{ income a day} \\ \times \quad 8 \text{ payments a month} \\ \hline \$600 \text{ income for the month} \end{array}$$

In Part 2, line 11, fill in amounts that other people provide to pay the expenses you list on *Schedule J: Your Expenses*. For example, if you and a person to whom you are not married deposit the income from both of your jobs into a single bank account and pay all household expenses and you list all your joint household expenses on *Schedule J*, you must list the amounts that person contributes monthly to pay the household expenses on line 11. If you have a roommate and you divide the rent and utilities, do not list the amounts your roommate pays on line 11 if you have listed only your share of those expenses on *Schedule J*. However, if you have listed

the cost of the rent and utilities for your entire house or apartment on *Schedule J*, you must list your roommate's contribution to those expenses on *Schedule I*, line 14. Do not list line 11 contributions that you already disclosed on line 5.

Note that the income you report on *Schedule I* may be different from the income you report on other bankruptcy forms. For example, the *Chapter 7 Statement of Your Current Monthly Income* (Official Form 22A-1), *Chapter 11 Statement of Your Current Monthly Income* (Official Form 22B), and the *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 22C-1) all use a different definition of income and apply that definition to a different period of time. *Schedule I* asks about the income that you are now receiving, while the other forms ask about income you received in the applicable time period before filing. So the amount of income reported in any of those forms may be different from the amount reported here.

**Understand the terms used in this form**

This form uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form uses *you* to ask for information from both debtors. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

**Things to remember when filling out this form**

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.

**Do not file these instructions with your bankruptcy filing package. Keep them for your records.**

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
 (If known)

Check if this is an amended filing

# Official Form 6J

## Schedule J: Your Expenses

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Your Household**

1. **Do you have dependents who live with you?**

- No  
 Yes. Fill out this information.

Do not list Debtor 1 and Debtor 2.

If you are filing jointly and live in separate households, list dependents who live in either household.

Each dependent who lives in the household	That person's relationship to Debtor 1 or Debtor 2	That person's age
Person 1	_____	_____
Person 2	_____	_____
Person 3	_____	_____
Person 4	_____	_____
Person 5	_____	_____

2. **Do you have dependents who do not live with you?**

- No  
 Yes. Fill out this information:

Do not list anyone listed in line 1.

Each dependent who does not live in the household	That person's relationship to Debtor 1 or Debtor 2	That person's age
Person 1	_____	_____
Person 2	_____	_____

3. **Does anyone else live in your household?**

- No  
 Yes. Fill out this information

Do not list Debtor 1, Debtor 2, and any dependents listed on lines 1 and 2.

If you are filing jointly and live in separate households, list everyone else who lives in either household.

Each other person who lives in the household	That person's relationship to Debtor 1 or Debtor 2
Person 1	_____
Person 2	_____
Person 3	_____

**Part 2: Estimate Your Ongoing Monthly Expenses**

		Column A For all individuals	Column B For Chapter 13 ONLY
		Your expenses as of the date you file for bankruptcy	What your expenses will be if your current plan is confirmed
<b>4. The rental or home ownership expenses for your residence.</b> Include first mortgage payments and any rent for the ground or lot.	4.	\$ _____	\$ _____
<b>If not included in line 4:</b>			
4a. Real estate taxes	4a.	\$ _____	\$ _____
4b. Property, homeowner's, or renter's insurance	4b.	\$ _____	\$ _____
4c. Home maintenance, repair, and upkeep expenses	4c.	\$ _____	\$ _____
4d. Homeowner's association or condominium dues	4d.	\$ _____	\$ _____
<b>5. Additional mortgage payments for your residence,</b> such as home equity loans	5.	\$ _____	\$ _____
<b>6. Utilities:</b>			
6a. Electricity, heat, natural gas	6a.	\$ _____	\$ _____
6b. Water, sewer, garbage collection	6b.	\$ _____	\$ _____
6c. Telephone, cell phone, Internet, satellite, and cable services	6c.	\$ _____	\$ _____
6d. Other. Specify: _____	6d.	\$ _____	\$ _____
<b>7. Food and housekeeping supplies</b>	7.	\$ _____	\$ _____
<b>8. Childcare and children's education costs</b>	8.	\$ _____	\$ _____
<b>9. Clothing, laundry, and dry cleaning</b>	9.	\$ _____	\$ _____
<b>10. Personal care products and services</b>	10.	\$ _____	\$ _____
<b>11. Medical and dental expenses</b>	11.	\$ _____	\$ _____
<b>12. Transportation.</b> Include gas, maintenance, bus or train fare. Do not include car payments.	12.	\$ _____	\$ _____
<b>13. Entertainment, clubs, recreation, newspapers, magazine, and books</b>	13.	\$ _____	\$ _____
<b>14. Charitable contributions and religious donations</b>	14.	\$ _____	\$ _____
<b>15. Insurance.</b> Do not include insurance deducted from your pay or included in lines 4 or 20.			
15a. Life insurance	15a.	\$ _____	\$ _____
15b. Health insurance	15b.	\$ _____	\$ _____
15c. Vehicle insurance	15c.	\$ _____	\$ _____
15d. Other insurance. Specify: _____	15d.	\$ _____	\$ _____
<b>16. Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16.	\$ _____	\$ _____
<b>17. Installment or lease payments:</b>			
17a. Car payments for Vehicle 1	17a.	\$ _____	\$ _____
17b. Car payments for Vehicle 2	17b.	\$ _____	\$ _____
17c. Student loan payments	17c.	\$ _____	\$ _____
17d. Other. Specify: _____	17d.	\$ _____	\$ _____
17e. Other. Specify: _____	17e.	\$ _____	\$ _____



		Column A For all individuals	Column B For Chapter 13 ONLY
		Your expenses as of the date you file for bankruptcy	What your expenses will be if your current plan is confirmed
18.	<b>Alimony, maintenance, and support that you pay to others</b>	18. \$ _____	\$ _____
19.	<b>Other payments you make to support others who do not live with you.</b> Specify: _____	19. \$ _____	\$ _____
20.	<b>Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income (Official Form 6I)</b>		
	20a. Mortgages on other property	20a. \$ _____	\$ _____
	20b. Real estate taxes	20b. \$ _____	\$ _____
	20c. Property, homeowner's, or renter's insurance	20c. \$ _____	\$ _____
	20d. Maintenance, repair, and upkeep expenses	20d. \$ _____	\$ _____
	20e. Homeowner's association or condominium dues	20e. \$ _____	\$ _____
21.	<b>Other.</b> Specify: _____	21. + \$ _____	+ \$ _____
22.	<b>Your monthly expenses.</b> Add lines 4 through 21. The result is your monthly expenses.	22. \$ _____	\$ _____
23.	<b>Calculate your monthly net income.</b>		
	23a. Copy line 12 (your combined monthly income) from Schedule I.	23a. \$ _____	\$ _____
	23b. Copy your monthly expenses from line 22 above.	23b. - \$ _____	- \$ _____
	23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$ _____	\$ _____
24.	<b>Do you expect an increase or decrease in your expenses within the year after you file this form?</b>  For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?  <input type="checkbox"/> No. <input type="checkbox"/> Yes.  Explain here:          		

## Official Form 6J

# Instructions for Schedule J: Your Expenses

United States Bankruptcy Court

12/01/13

### How to Fill Out Schedule J

Use Column A of *Schedule J: Your Expenses* (Official Form 6J) to estimate the monthly expenses, as of the date you file for bankruptcy, for you, your dependents, and the other people in your household whose income is included on *Schedule I: Your Income* (Official Form 6I).

If you are filing under chapter 13, you must also complete Column B. In Column B, itemize what your monthly expenses would be under the plan that you are submitting with this schedule or, if no plan is being submitted now, under the most recent plan you previously submitted.

Include your non-filing spouse's expenses unless you are separated. If one of you keeps a separate household, fill out separate *Schedule J* for Debtor 1 and Debtor 2 and write *Debtor 1* or *Debtor 2* at the top of page 1 of the form.

Do not include expenses that other members of your household pay directly from their income if you did not include that income on *Schedule I*. For example, if you have a roommate and you divide the rent and utilities and you have not listed your roommate's contribution to household expenses in line 11 of *Schedule I*, you would list only your share of these expenses on *Schedule J*.

Show all totals as monthly payments. If you have weekly, quarterly, or annual payments, calculate how much you would spend on those items every month.

Do not list as expenses any payments on credit card debts incurred before filing bankruptcy.

Do not include business expenses on this form. You have already accounted for those expenses as part of determining net business income on *Schedule I*.

On line 20, do not include expenses for your residence or for any rental or business property. You have already

listed expenses for your residence on lines 4 and 5 of this form. You listed the expenses for your rental and business property as part of the process of determining your net income from that property on *Schedule I* (line 8a).

If you have nothing to report for a line, write \$0.

### Understand the terms used in this form

This form uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form uses *you* to ask for information from both debtors. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

### Things to remember when filling out this form

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.
- Do not list a minor child's full name. Instead, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write A.B., a minor child (*John Doe, parent, 123 Main St., City, State*). 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m) and 9037.

**Do not file these instructions with your bankruptcy filing package. Keep them for your records.**

## COMMITTEE NOTE

*Schedule I: Your Income* (Official Form 6I) and *Schedule J: Your Expenses* (Official Form 6J), which apply only in cases of individual debtors, have been revised as part of the Forms Modernization Project, making the forms easier to read and, as a result, likely to generate more complete and accurate responses.

Revised Schedules I and J seek to obtain a full picture of debtor's economic situation—to the extent that debtor receives income or has expenses. The revised forms are intended to avoid the situation that frequently happens with the current forms where debtor lives with and pools assets with other people and the household provides support to dependents who may not be related by blood or marriage to debtor.

The amendments seek to avoid the situation where the expenses listed on Schedule J are for the entire household, but the income listed on Schedule I is only for the debtor. Line 11 on revised Schedule I, now includes contributions made by someone else to the expenses on Schedule J and the debtor is instructed to include contributions from an unmarried partner, members of the debtor's household, dependents, roommates, and other friends or relatives.

As revised, Schedule J asks for expenses at two different points in time in chapter 13 cases—as of the date the debtor files bankruptcy (Column A) and as of the date a proposed 13 plan is confirmed (Column B).

In drafting the form it became apparent that at least some courts are using Schedules I and J in analyzing proposed chapter 13 plans and potential modification of those plans. Sometimes amended Schedules I and J are required when a debtor's financial circumstances change. To avoid a lack of clarity on the form regarding the date to be used in computing expenses, and in order to allow Schedule J to continue to serve the plan feasibility function, the revised form requests information on both time bases in chapter 13 cases.

New lines 1, 2, and 3 on revised Schedule J request information on dependents who live with the debtor, dependents who live separately, and other members of the household. In addition, new line 23 on the form includes a calculation of the debtor's monthly net income.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(if known)

**Check one only as directed in lines 1, 2, 3, or 17:**

According to the calculations required by this Statement:

- 1. There is no presumption of abuse.
- 2. The presumption of abuse is determined by Form 22A-2.
- 3. The Means Test does not apply now because of qualified military service but it could apply later.

Check if this is an amended filing

## Official Form 22A-1

### Chapter 7 Statement of Your Current Monthly Income

12/13

**Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).**

#### Part 1: Identify the Kind of Debts You Have

1. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." Make sure that your answer is consistent with the "Nature of Debts" box on page one of the *Voluntary Petition* (Official Form 1).
- No. On the top of this page, check box 1, *There is no presumption of abuse*.....Go to Part 5.
  - Yes.....Go to Part 2.

#### Part 2: Determine Whether Military Service Provisions Apply to You

**If you are filing this case jointly and any of the exclusions in Part 2 applies to only one of you, the other person should complete a separate Chapter 7 Statement of Your Current Monthly Income (Official Form 22A-1) if you believe that this is required by 11 U.S.C. § 707(b)(2)(C).**

2. **Are you a disabled veteran** (as defined in 38 U.S.C. § 3741(1))?
- No. Go to line 3.
  - Yes. Did you incur debts mostly while you were on active duty or while you were performing a homeland defense activity?  
11 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)
    - No. Go to line 3.
    - Yes. On the top of this page, check box 1, *There is no presumption of abuse*.....Go to Part 5.

3. **Are you or have you been a Reservist or member of the National Guard?**

- No. Go to Part 3.
- Yes. Were you called to active duty or did you perform a homeland defense activity? 10 U.S.C. § 101(d)(1); 32 U.S.C. § 901(1)
  - No. Go to Part 3.
  - Yes. Check any one of the following categories that applies:
    - I was called to active duty after September 11, 2001, for at least 90 days and remain on active duty.
    - I was called to active duty after September 11, 2001, for at least 90 days and was released from active duty on \_\_\_\_\_, which is fewer than 540 days before I file this bankruptcy case.
    - I am performing a homeland defense activity for at least 90 days.
    - I performed a homeland defense activity for at least 90 days, ending on \_\_\_\_\_, which is fewer than 540 days before I file this bankruptcy case.

If you did not check any of these categories, go to Part 3.

If you checked one of the categories, go to the top of this page. Check box 3, *The Means Test does not apply now because of qualified military service but it could apply later*; then go to Part 5. You are not required to fill out the rest of this form during the exclusion period. The *exclusion period* means the time you are on active duty or are performing a homeland defense activity, and for 540 days afterward. 11 U.S.C. § 707(b)(2)(D)(ii). If your exclusion period ends before your case is closed, you may have to file an amended form later.

**Part 3: Calculate Your Current Monthly Income**

4. **What is your marital and filing status?** Check one only.

- Not married.** Fill out Column A, lines 5-14.
- Married and your spouse is filing with you.** Fill out both Columns A and B, lines 5-14.  
**Married and your spouse is NOT filing with you. You and your spouse are:**
  - Living in the same household and are not legally separated.** Fill out both Columns A and B, lines 5-14.
  - Living separately or are legally separated.** Fill out Column A, lines 5-14; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

**Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case.** 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A For you	Column B Debtor 2 or non-filing spouse
5. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions).	\$ _____	\$ _____
6. <b>Alimony and maintenance payments</b>	\$ _____	\$ _____
7. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Also, include regular contributions from a spouse if Column B is not filled in. Do not include payments you listed on line 6.	\$ _____	\$ _____
8. <b>Net income from operating a business, profession, or farm</b>		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	- \$ _____	
Net monthly income from a business, profession, or farm	\$ _____ <b>Copy here →</b>	\$ _____
9. <b>Net income from rental and other real property</b>		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	- \$ _____	
Net monthly income from rental or other real property	\$ _____ <b>Copy here →</b>	\$ _____
10. <b>Interest, dividends, and royalties</b>	\$ _____	\$ _____
11. <b>Unemployment compensation</b>	\$ _____	\$ _____
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: ..... ↓		
For you .....	\$ _____	
For your spouse .....	\$ _____	
12. <b>Pension or retirement income.</b> Do not include any amount received that was a benefit under the Social Security Act.	\$ _____	\$ _____
13. <b>Income from all other sources not listed above.</b> Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 13c.		
13a. _____	\$ _____	\$ _____
13b. _____	\$ _____	\$ _____
13c. Total amounts from separate pages, if any.	+ \$ _____	+ \$ _____
14. <b>Calculate your total current monthly income.</b> Add lines 5 through 13 for each column. Then add the total for Column A to the total for Column B.	\$ _____	\$ _____
	+	= \$ _____

Total current monthly income

Part 4: Determine Whether the Means Test Applies to You

15. Calculate your annual income using your total current monthly income from Part 3. Follow these steps:

15a. Copy your total current monthly income from line 14..... Copy line 14 here → 15a.

\$ \_\_\_\_\_

Multiply by 12 (the number of months in a year).

x 12

15b. The result is your annual income for this part of the form.

15b.

\$ \_\_\_\_\_

16. Calculate the median family income that applies to you. Follow these steps:

Fill in the state in which you live.

\_\_\_\_\_

Fill in the number of people in your household.

\_\_\_\_\_

Fill in the median family income for your state and size of household. .... 16.

\$ \_\_\_\_\_

To find that information, either go to the Means Test information at http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office of the bankruptcy court.

17. How do the lines compare?

17a.  Line 15b is less than or equal to line 16. On the top of page 1, check box 1, There is no presumption of abuse. Go to Part 5.

17b.  Line 15b is more than line 16. On the top of page 1, check box 2, The presumption of abuse is determined by Form 22A-2. Go to Part 5 and fill out Form 22A-2.

Part 5: Sign Here

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

x \_\_\_\_\_

Signature of Debtor 1

x \_\_\_\_\_

Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

If you checked 17a, do NOT fill out or file Official Form 22A-2, Chapter 7 Means Test Calculation.

If you checked line 17b, fill out Official Form 22A-2, Chapter 7 Means Test Calculation and file it with this form.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(if known)

**Check one only as directed in lines 40 or 42:**

According to the calculations required by this Statement:

- 1. There is no presumption of abuse.
- 2. There is a presumption of abuse.
- Check if this is an amended filing

## Official Form 22A-2 Chapter 7 Means Test Calculation

12/13

To fill out this form, you will need your completed copy of Form 22A-1: *Chapter 7 Statement of Your Current Monthly Income (Official Form 22A-1)*.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

**Part 1: Determine Your Adjusted Income**

1. **Copy your total current monthly income.** ..... Copy line 14 from Official Form 22A-1 here → 1. \$ \_\_\_\_\_

2. **Did you fill out Column B in Part 3 of Official Form 22A-1?**

- No. Fill in \$0 on line 3d.
- Yes. Is your spouse filing with you?
  - No. Go to line 3.
  - Yes. Fill in \$0 on line 3d.

3. **Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents.** Follow these steps:

On line 14, Column B of Form 22A-1, was any amount of the income you reported for your spouse NOT regularly used for the household expenses of you or your dependents?

- No. Fill in 0 on line 3d.
- Yes. Fill in the information below:

State each purpose for which the income was used <small>For example, the income is used to pay your spouse's tax debt or to support people other than you or your dependents</small>	Fill in the amount you are subtracting from your spouse's income
3a. _____	\$ _____
3b. _____	\$ _____
3c. _____	+ \$ _____
3d. <b>Total.</b> Add lines 3a, 3b, and 3c. ....	\$ _____

Copy total here → 3d. - \$ \_\_\_\_\_

4. **Adjust your current monthly income.** Subtract line 3d from line 1. \$ \_\_\_\_\_

Part 2: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 5-14. To find the IRS standards, either go to http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office of the bankruptcy court.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not deduct any amounts that you subtracted from your spouse's income in line 3 and do not deduct any operating expenses that you subtracted from income in lines 8 and 9 of Form 22A-1.

If your expenses differ from month to month, enter the average expense.

Whenever this part of the form refers to you, it means both you and your spouse if Column B of Form 22A-1 is filled in.

5. The number of people used in determining your deductions from income

Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

[Empty box for line 5]

National Standards You must use the IRS National Standards to answer the questions in lines 6-7.

6. Food, clothing, and other items: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items.

\$ [ ]

7. Out-of-pocket health care allowance: Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories — people who are under 65 and people who are 65 or older — because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person

\$ [ ]

7b. Number of people who are under 65

X [ ]

7c. Subtotal. Multiply line 7a by line 7b.

\$ [ ]

Copy line 7c here ->

\$ [ ]

People who are 65 years of age or older

7d. Out-of-pocket health care allowance per person

\$ [ ]

7e. Number of people who are 65 or older

X [ ]

7f. Subtotal. Multiply line 7d by line 7e.

\$ [ ]

Copy line 7f here ->

+ \$ [ ]

7g. Total. Add lines 7c and 7f.

\$ [ ]

Copy total here ->

\$ [ ]



Local Standards You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities – Insurance and operating expenses
Housing and utilities – Mortgage or rent expenses

Use the U.S. Trustee Program chart to answer the questions in lines 8-9. Go to http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office of the bankruptcy court.

8. Housing and utilities – Insurance and operating expenses: Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses.

\$

9. Housing and utilities – Mortgage or rent expenses:

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses.

9a. \$

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Table with 3 columns: Name of the creditor, Does payment include taxes or insurance?, Average monthly payment. Includes checkboxes for 'No' and 'Yes' and dollar amount fields.

9b. Total average monthly payment

\$

Copy line 9b here ->

-\$

Repeat this amount on line 33a.

9c. Net mortgage or rent expense.

Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this amount is less than \$0, enter \$0.

9c.

\$

Copy line 9c here ->

\$

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing does not accurately compute the amount that applies to you, fill in any additional amount you claim.

\$

Explain why:

Text input box for explanation.

11. Local transportation expenses: Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 14.
1. Go to line 12.
2 or more. Go to line 12.

12. Vehicle operation expense: Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the Operating Costs that apply for your Census region or metropolitan statistical area.

\$

13. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1:

13a. Ownership or leasing costs using IRS Local Standard 13a. \$

13b. Average monthly payment for all debts secured by Vehicle 1. Do not include installment payments for leased vehicles. To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Table with 2 columns: Name of each creditor for Vehicle 1, Average monthly payment

Copy 13b here - \$

Repeat this amount on line 33b.

13c. Net Vehicle 1 ownership or lease expense Subtract line 13b from line 13a. If this amount is less than \$0, enter \$0. 13c. \$

Copy net Vehicle 1 expense here - \$

Vehicle 2 Describe Vehicle 2:

13d. Ownership or leasing costs using IRS Local Standard 13d. \$

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Table with 2 columns: Name of each creditor for Vehicle 2, Average monthly payment

Copy here - \$

Repeat this amount on line 33c.

13f. Net Vehicle 2 ownership or lease expense Subtract line 13e from 13d. If this amount is less than \$0, enter \$0. 13f. \$

Copy net Vehicle 2 expense here - \$

14. Public transportation expense: If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the Public Transportation expense allowance regardless of whether you use public transportation. \$

15. Additional public transportation expense: If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for Public Transportation. \$

**Other Necessary Expenses**

In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you will actually owe for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes.

\$ \_\_\_\_\_

Do not include real estate, sales, or use taxes.

17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs.

\$ \_\_\_\_\_

Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings.

18. **Life insurance:** The total monthly premiums that you pay for your term life insurance.

\$ \_\_\_\_\_

Do not include premiums for insurance on your dependents, for whole life, or for any other form of life insurance.

19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments.

\$ \_\_\_\_\_

Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35.

20. **Education:** The total monthly amount that you pay for education that is either required:

- as a condition for your job, or
- for your physically or mentally challenged dependent child if no public education is available for similar services.

\$ \_\_\_\_\_

21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool.

\$ \_\_\_\_\_

Do not include payments for any elementary or secondary school education.

22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7.

\$ \_\_\_\_\_

Payments for health insurance or health savings accounts should be listed only in line 25.

23. **Telecommunication services:** The total monthly amount that you pay for telecommunication services, such as pagers, call waiting, caller identification, special long distance, business internet service, and business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer.

+ \$ \_\_\_\_\_

Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 8 of *Official Form 22A-1*, or any amount you previously deducted.

24. **Add all of the expenses allowed under the IRS expense allowances.**

\$ \_\_\_\_\_

Add lines 16 through 23.

**Additional Expense Deductions**

These are additional deductions allowed by the Means Test.  
Note: Do not include any expense allowances listed in lines 6-24.

25. **Health insurance, disability insurance, and health savings account expenses.** The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance	\$ _____
Disability insurance	\$ _____
Health savings account	+ \$ _____
Total	\$ _____

Copy total here → ..... \$ \_\_\_\_\_

Do you actually spend this total amount?

No. How much do you actually spend? \$ \_\_\_\_\_

Yes

26. **Continued contributions to the care of household or family members.** The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.

\$ \_\_\_\_\_

27. **Protection against family violence.** The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply.

\$ \_\_\_\_\_

By law, the court must keep the nature of these expenses confidential.

28. **Additional home energy costs.** Your home energy costs are included in your non-mortgage housing and utilities allowance on line 8.

If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs.

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

\$ \_\_\_\_\_

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$147\* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

\$ \_\_\_\_\_

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

\* Subject to adjustment on 4/01/13, and every 3 years after that for cases begun on or after the date of adjustment.

30. **Additional food and clothing expense.** The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

\$ \_\_\_\_\_

To find the maximum additional allowance, either go to <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the clerk's office of the bankruptcy court.

You must show that the additional amount claimed is reasonable and necessary.

31. **Continuing charitable contributions.** The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 11 U.S.C. § 548(d)(3) and (4).

\$ \_\_\_\_\_

32. **Add all of the additional expense deductions.**

Add lines 25 through 31.

\$ \_\_\_\_\_

**Deductions for Debt Payment**

33. For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33g.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

**Average monthly payment**

**Mortgages on your home**

33a. Copy line 9b here ..... \$ \_\_\_\_\_

**Loans on your first two vehicles**

33b. Copy line 13b here. .... \$ \_\_\_\_\_

33c. Copy line 13e here. .... \$ \_\_\_\_\_

Name of each creditor for other secured debt	Identify property that secures the debt	Does payment include taxes or insurance?	
33d.		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
33e.		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
33f.		<input type="checkbox"/> No <input type="checkbox"/> Yes	+ \$ _____
33g. Total average monthly payment. Add lines 33a through 33f.....			\$ _____

Copy total here → \$ \_\_\_\_\_

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

- No. Go to line 35.
- Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 34, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount	Monthly cure amount
		\$ _____ ÷ 60 =	\$ _____
		\$ _____ ÷ 60 =	\$ _____
		\$ _____ ÷ 60 =	+ \$ _____
Total			\$ _____

Copy total here → \$ \_\_\_\_\_

35. Do you owe any priority claims — such as a priority tax, child support, or alimony — that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507

- No. Go to line 36.
Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims.

Form with input fields for total amount of all past-due priority claims, divided by 60, resulting in a dollar amount.

36. Are you eligible to file a case under Chapter 13? 11 U.S.C. § 109(e). For more information, go to www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics/Chapter13.aspx

- No. Go to line 37.
Yes. Fill in the following information.

Projected monthly plan payment if you were filing under Chapter 13

Form with input field for projected monthly plan payment.

Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. To find this information, go to http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office of the bankruptcy court.

Form with input field for current multiplier, preceded by an 'X'.

Average monthly administrative expense if you were filing under Chapter 13

Form with input field for average monthly administrative expense.

Copy total here ->

Form with input field for total of lines 36a, 36b, and 36c.

37. Add all of the deductions for debt payment. Add lines 33g through 36.

Form with input field for total of lines 33g through 36.

Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances.....

Form with input field for line 24.

Copy line 32, All of the additional expense deductions.....

Form with input field for line 32.

Copy line 37, All of the deductions for debt payment.....

Form with input field for line 37, preceded by a '+' sign.

Total deductions

Form with input field for total of lines 38a, 38b, and 38c.

Copy total here ->

Form with input field for total of lines 38a, 38b, and 38c.

Part 3: Determine Whether There Is a Presumption of Abuse

39. Calculate monthly disposable income for 60 months

39a. Copy line 4, adjusted current monthly income.....

Form with input field for line 4.

39b. Copy line 38, Total deductions.....

Form with input field for line 38, preceded by a '-' sign.

39c. Monthly disposable income 11 U.S.C. § 707(b)(2) Subtract line 39b from line 39a.

Form with input field for line 39c.

Copy line 39c here ->

Form with input field for line 39c.

For the next 60 months (5 years)

x 60

39d. Total. Multiply line 39c by 60..... 39d.

Form with input field for line 39d.

Copy line 39d here ->

Form with input field for line 39d.

40. Find out whether there is a presumption of abuse. Check the box that applies:

[ ] The line 39d is less than \$7,025\*. On the top of page 1 of this form, check box 1, There is no presumption of abuse. Go to Part 5.

[ ] The line 39d is more than \$11,725\*. On the top of page 1 of this form, check box 2, There is a presumption of abuse. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.

[ ] The line 39d is at least \$7,025\*, but not more than \$11,725\*. Go to line 42.

\* Subject to adjustment on 4/01/13, and every 3 years after that for cases filed on or after the date of adjustment.

41. 41a. Fill in the amount of your total nonpriority unsecured debt. If you filled out the Statistical Summary of Certain Liabilities and Related Data (Official Form 6), you may refer to line 5 at the bottom of that form.

\$ \_\_\_\_\_

41b. 25% of your total nonpriority unsecured debt. 11 U.S.C. § 707(b)(2)(A)(i)(I) Multiply line 41a by 0.25.

x .25  
\$ \_\_\_\_\_

Copy here →

\$ \_\_\_\_\_

42. Determine whether the income you have left over after subtracting all allowed deductions is enough to pay 25% of your unsecured, nonpriority debt.

Check the box that applies:

[ ] Line 39d is less than line 41b. On the top of page 1 of this form, check box 1, There is no presumption of abuse. Go to Part 5.

[ ] Line 39d is equal to or more than line 41b. On the top of page 1 of this form, check box 2, There is a presumption of abuse. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.

43. Do you have any special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative? 11 U.S.C. § 707(b)(2)(B)

[ ] No. Go to Part 5.

[ ] Yes. Fill in the following information. All figures should reflect your average monthly expense or income adjustment for each item. You may include expenses you listed in line 25.

You must give a detailed explanation of the special circumstances that make the expenses or income adjustments necessary and reasonable. You must also give your case trustee documentation of your actual expenses or income adjustments.

Give a detailed explanation of the special circumstances

Average monthly expense or income adjustment

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

X \_\_\_\_\_  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

## Official Forms 22A-1 and 22A-2

# Instructions for the Chapter 7 Statement of Your Current Monthly Income and Means Test Calculation

United States Bankruptcy Court

12/01/13

### How to fill out these forms

Official Forms 22A-1 and 22A-2 determine whether your income and expenses create a presumption of abuse that may prevent you from obtaining relief from your debts under chapter 7 of the Bankruptcy Code. Chapter 7 relief can be denied to a person who has primarily consumer debts if the court finds that the person has enough income to repay creditors a portion of their claims set out in the Bankruptcy Code.

You must file 22A-1, the *Chapter 7 Statement of Your Current Monthly Income* (Official Form 22A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income for households of the same size in your state. If your income is not above the median, there is no presumption of abuse and you will not have to fill out the second form.

If your income is above the median, you must file the second form, 22A-2, *Chapter 7 Means Test Calculation* (Official Form 22A-2). The calculations on this form—sometimes called the *Means Test*—reduce your income by living expenses and payment of certain debts, resulting in an amount available to pay other debts. If this amount is high enough, it will give rise to a *presumption of abuse*. A presumption of abuse does not mean you are actually trying to abuse the bankruptcy system. Rather, the presumption simply means that you may have enough income that you should not be granted relief under chapter 7. You may overcome the presumption by showing special circumstances that reduce your income or increase your expenses.

If you cannot obtain relief under chapter 7, you may be eligible to continue under another chapter of the Bankruptcy Code and pay creditors over a period of time.

Read each question carefully. You may not be required to answer every question on this form. For example, your military status may determine whether you must fill out the entire form. The instructions will alert you if you may skip questions.

If you have nothing to report for a line, write \$0.

Some of the questions require you to go to other sources for information. In those cases, the form has instructions for where to find the information you need.

If you and your spouse are filing together, you and your spouse may file a single statement. However, if an exclusion in Parts 1 or 2 applies to either of you, separate statements may be required. 11 U.S.C. § 707(b)(2)(C).

### Understand the terms used in the form

This form uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form uses *you* to ask for information from both debtors. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

### Things to remember when filling out these forms

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.

**Do not file these instructions with your bankruptcy filing package. Keep them for your records.**



**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
 (If known)

**Check as directed in lines 17 and 21:**

According to the calculations required by this Statement:

- 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).
- 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).
- 3. The commitment period is 3 years.
- 4. The commitment period is 5 years.

Check if this is an amended filing

**Official Form 22C-1**

**Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period**

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

**Part 1: Calculate Your Average Monthly Income**

1. **What is your marital and filing status?** Check one only.

- Not married.** Fill out Column A, lines 2-11.
- Married.** Fill out both Columns A and B, lines 2-11.

**Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case.** 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A For Debtor 1	Column B Debtor 2 or non-filing spouse
2. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions).	\$ _____	\$ _____
3. <b>Alimony and maintenance payments</b>	\$ _____	\$ _____
4. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Also, include regular contributions from a spouse if Column B is not filled in. Do not include payments you listed on line 3.	\$ _____	\$ _____
5. <b>Net income from operating a business, profession, or farm</b>		
Gross receipts (before all deductions)	\$ _____	
Ordinary and necessary operating expenses	– \$ _____	
Net monthly income from a business, profession, or farm	\$ _____	\$ _____

Copy here →

Column A  
For Debtor 1

Column B  
Debtor 2 or  
non-filing spouse

**6. Net income from rental and other real property**

Gross receipts (before all deductions) \$ \_\_\_\_\_  
 Ordinary and necessary operating expenses - \$ \_\_\_\_\_  
 Net monthly income from rental or other real property \$ \_\_\_\_\_

Copy here →

\$ \_\_\_\_\_ \$ \_\_\_\_\_

**7. Interest, dividends, and royalties**

\$ \_\_\_\_\_ \$ \_\_\_\_\_

**8. Unemployment compensation**

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here: ↓

For you \$ \_\_\_\_\_

For your spouse \$ \_\_\_\_\_

\$ \_\_\_\_\_ \$ \_\_\_\_\_

**9. Pension or retirement income.** Do not include any amount received that was a benefit under the Social Security Act.

\$ \_\_\_\_\_ \$ \_\_\_\_\_

**10. Income from all other sources not listed above.** Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 10c.

10a. \_\_\_\_\_ \$ \_\_\_\_\_

10b. \_\_\_\_\_ \$ \_\_\_\_\_

10c. Total amounts from separate pages, if any. + \$ \_\_\_\_\_

\$ \_\_\_\_\_ \$ \_\_\_\_\_

\$ \_\_\_\_\_ \$ \_\_\_\_\_

+ \$ \_\_\_\_\_ + \$ \_\_\_\_\_

**11. Calculate your total average monthly income.** Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ \_\_\_\_\_ + \$ \_\_\_\_\_ = \$ \_\_\_\_\_

Total average monthly income

**Part 2. Determine How to Measure Your Deductions from Income**

**12. Copy your total average monthly income from line 11.** \_\_\_\_\_ \$ \_\_\_\_\_

**13. Calculate the marital adjustment.** Check one:

- You are not married. Fill in 0 in line 13d.
- You are married and your spouse is filing with you. Fill in 0 in line 13d.
- You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

In lines 13a-c, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 on line 13d.

13a. \_\_\_\_\_ \$ \_\_\_\_\_

13b. \_\_\_\_\_ \$ \_\_\_\_\_

13c. \_\_\_\_\_ + \$ \_\_\_\_\_

Total \$ \_\_\_\_\_ Copy here. → 13d. - \$ \_\_\_\_\_

14. **Your current monthly income.** Subtract line 13d from line 12. 14. \$ \_\_\_\_\_

15. **Calculate your current monthly income for the year.** Follow these steps:

15a. Copy line 14 here → ..... 15a. \$ \_\_\_\_\_

Multiply line 15a by 12 (the number of months in a year). **x 12**

15b. The result is your current monthly income for the year for this part of the form. 15b. \$ \_\_\_\_\_

16. **Calculate the median family income that applies to you.** Follow these steps:

16a. Fill in the state in which you live.

16b. Fill in the number of people in your household.

16c. Fill in the median family income for your state and size of household..... 16c. \$ \_\_\_\_\_

To find that information, either go to the Means Test information at <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the clerk's office of the bankruptcy court .

17. **How do the lines compare?**

17a.  Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3)*. **Go to Part 3.** Do NOT fill out Official Form 22C-2: *Calculation of Disposable Income*.

17b.  Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3)*. **Go to Part 3 and fill out Official Form 22C-2: Calculation of Disposable Income.** On line 35 of that form, copy your current monthly income from line 14 above.

**Part 3: Calculate Your Commitment Period Under 11 U.S.C. § 1325(b)(4)**

18. **Copy your total average monthly income from line 11.** ..... 18. \$ \_\_\_\_\_

19. **Deduct the marital adjustment if it applies.** If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13d.

If the marital adjustment does not apply, fill in 0 on line 19a. 19a. — \$ \_\_\_\_\_

**Subtract line 19a from line 18.** 19b. \$ \_\_\_\_\_

20. **Calculate your current monthly income for the year.** Follow these steps:

20a. Copy line 19b.. ..... 20a. \$ \_\_\_\_\_

Multiply by 12 (the number of months in a year). **x 12**

20b. The result is your current monthly income for the year for this part of the form. 20b. \$ \_\_\_\_\_

20c. Copy the median family income for your state and size of household from line 16c..... \$ \_\_\_\_\_

21. **How do the lines compare?**

Line 20b is less than line 20c. On the top of page 1 of this form, check box 3, *The commitment period is 3 years*. Go to Part 4.

Line 20b is more than or equal to line 20c. On the top of page 1 of this form, check box 4, *The commitment period is 5 years*. Go to Part 4.

**Part 4: Sign Here**

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

**x** \_\_\_\_\_

Signature of Debtor 1

**x** \_\_\_\_\_

Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

If you checked 17a, do NOT fill out or file Official Form 22C-2: *Calculation of Disposable Income*.

If you checked 17b, fill out Official Form 22C-2: *Calculation of Disposable Income* and file it with this form. On line 35 of that form, copy your current monthly income from line 14 above.

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(If known)

Check if this is an amended filing

## Official Form 22C-2

### Chapter 13 Calculation of Your Disposable Income

12/13

To fill out this form, you will need your completed copy of Form 22C-1: *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

#### Part 1: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 1-11. To find the IRS standards, either go to <http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm> or ask for help at the clerk's office of the bankruptcy court.

Deduct the expense amounts set out in lines 1-11 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Official Form 22C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 22C-1.

If your expenses differ from month to month, enter the average expense.

Whenever this part of the form refers to *you*, it means both you and your spouse if Column B is filled in.

**1. The number of people used in determining your deductions from income**

Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

**National Standards** You must use the IRS National Standards to answer the questions in lines 2-3.

**2. Food, clothing, and other items:** Using the number of people you entered in line 1 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items.

\$ \_\_\_\_\_

3. Out-of-pocket health care allowance: Using the number of people you entered in line 1 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories—people who are under 65 and people who are 65 or older—because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 18.

People who are under 65 years of age

3a. Out-of-pocket health care allowance per person \$
3b. Number of people who are under 65 X
3c. Subtotal. Multiply line 3a by line 3b. \$

Copy line 3c here \$

People who are 65 years of age or older

3d. Out-of-pocket health care allowance per person \$
3e. Number of people who are 65 or older X
3f. Subtotal. Multiply line 3d by 3e. \$

Copy line 3f here + \$

3g. Total. Add lines 3c and 3f. \$ Copy total here 3g. \$

Local Standards You must use the IRS Local Standards to answer the questions in lines 5-11.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

- Housing and utilities – Insurance and operating expenses
Housing and utilities – Mortgage or rent expenses

Refer to the U.S. Trustee website to answer the questions in lines 4-5. Go to http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office of the bankruptcy court.

4. Housing and utilities – Insurance and operating expenses: Using the number of people you entered in line 1, fill in the dollar amount listed for your county for insurance and operating expenses. \$

5. Housing and utilities – Mortgage or rent expenses:

5a. Using the number of people you entered in line 1, fill in the dollar amount listed for your county for mortgage or rent expenses. \$

5b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Next divide by 60.

Table with 2 columns: Name of the creditor, Average monthly payment. Includes a plus sign and dollar signs for calculations.

5b. Total average monthly payment \$ Copy line 5b here - \$ Repeat this amount on line 29a.

5c. Net mortgage or rent expense.

Subtract line 5b (total average monthly payment) from line 5a (mortgage or rent expense). If this number is less than \$0, enter \$0.

\$ Copy 5c here \$

6. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing does not accurately compute the amount that applies to you, fill in any additional amount you claim. \$

Explain why:

7. Local transportation expenses: Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 10.
1. Go to line 8.
2 or more. Go to line 8.

8. Vehicle operation expense: Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the Operating Costs that apply for your Census region or metropolitan statistical area.

\$

9. Vehicle ownership or lease expense: Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1:

9a. Ownership or leasing costs using IRS Local Standard

9a. \$

9b. Average monthly payment for all debts secured by Vehicle 1. Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 9e, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Table with 2 columns: Name of each creditor for Vehicle 1, Average monthly payment

Copy 9b here ->

\$

Repeat this amount on line 29b.

9c. Net Vehicle 1 ownership or lease expense Subtract line 9b from line 9a. If this number is less than \$0, enter \$0.

9c. \$

Copy net Vehicle 1 expense here ->

\$

Vehicle 2 Describe Vehicle 2:

9d. Ownership or leasing costs using IRS Local Standard

9d. \$

9e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Table with 2 columns: Name of each creditor for Vehicle 2, Average monthly payment

Copy here ->

\$

Repeat this amount on line 29c.

9f. Net Vehicle 2 ownership or lease expense Subtract line 9e from 9d. If this number is less than \$0, enter \$0.

9f. \$

Copy net Vehicle 2 expense here ->

\$

10. Public transportation expense: If you claimed 0 vehicles in line 7, using the IRS Local Standards, fill in the Public Transportation expense allowance regardless of whether you use public transportation.

\$

11. Additional public transportation expense: If you claimed 1 or more vehicles in line 7 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for Public Transportation.

\$

**Other Necessary Expenses**

In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

12. **Taxes:** The total monthly amount that you actually pay for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. If you expect to receive a tax refund, you must divide the refund by 12 and subtract that number from the total monthly amount you actually pay for taxes. Do not include real estate or sales taxes. \$ \_\_\_\_\_

13. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs. Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings. \$ \_\_\_\_\_

14. **Life insurance:** The total monthly premiums that you pay for your term life insurance. Do not include premiums for insurance on your dependents, for whole life, or for any other form of life insurance. \$ \_\_\_\_\_

15. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments. Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 31. \$ \_\_\_\_\_

16. **Education:** The total monthly amount that you pay for education that is either required:  
 as a condition for your job, or  
 for your physically or mentally challenged dependent child if no public education is available for similar services. \$ \_\_\_\_\_

17. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool. Do not include payments for any elementary or secondary school education. \$ \_\_\_\_\_

18. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 3. Payments for health insurance or health savings accounts should be listed only in line 21. \$ \_\_\_\_\_

19. **Telecommunication services:** The total monthly amount that you pay for telecommunication services, such as pagers, call waiting, caller identification, special long distance, business internet service, and business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer. Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 5 of *Official Form 22C-1*, or any amount you previously deducted. + \_\_\_\_\_

20. **Add all of the expenses allowed under the IRS expense allowances.** Add lines 2 through 19. \$ \_\_\_\_\_



Additional Expense Deductions

These are additional deductions allowed by the Means Test.

Note: Do not include any expense allowances listed in lines 2-20.

21. Health insurance, disability insurance, and health savings account expenses. The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance \$
Disability insurance \$
Health savings account + \$
Total \$

Copy total here -> \$

Do you actually spend this total amount?

No. How much do you actually spend? \$
Yes

22. Continuing contributions to the care of household or family members. The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.

\$

23. Protection against family violence. The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply.

\$

By law, the court must keep the nature of these expenses confidential.

24. Additional home energy costs. Your home energy costs are included in your non-mortgage housing and utilities allowance on line 4.

If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs.

\$

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

25. Education expenses for dependent children who are younger than 18. The monthly expenses (not more than \$147\* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

\$

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 2-19.

\* Subject to adjustment on 4/01/13, and every 3 years after that for cases begun on or after the date of adjustment.

26. Additional food and clothing expense. The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

\$

To find the maximum additional allowance, either go to http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office of the bankruptcy court.

You must show that the additional amount claimed is reasonable and necessary.

27. Continuing charitable contributions. The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 11 U.S.C. § 548(d)(3) and (4).

+

Do not include any amount more than 15% of your gross monthly income.

28. Add all of the additional expense deductions.

\$

Add lines 21 through 27.

**Deductions for Debt Payment**

29. **For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 29a through 29g.**

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

			Average monthly payment
<b>Mortgages on your home</b>			
29a. Copy line 5b here .....			\$ _____
<b>Loans on your first two vehicles</b>			
29b. Copy line 9b here. ....			\$ _____
29c. Copy line 9e here. ....			\$ _____
Name of each creditor for other secured debt	Identify property that secures the debt	Does payment include taxes or insurance?	
29d.		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
29e.		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
29f.		<input type="checkbox"/> No <input type="checkbox"/> Yes	+ \$ _____
29g. Total average monthly payment. Add lines 29a through 29f.....			\$ _____

**Copy total here →** \$ \_\_\_\_\_

30. **Are any debts that you listed in line 29 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?**

- No. Go to line 31.
- Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 29, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount	Monthly cure amount
		\$ _____ ÷ 60 =	\$ _____
		\$ _____ ÷ 60 =	\$ _____
		\$ _____ ÷ 60 =	+ \$ _____
<b>Total</b>			\$ _____

**Copy total here →** \$ \_\_\_\_\_

31. **Do you owe any priority claims — such as a priority tax, child support, or alimony — that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507**

- No. Go to line 32.
- Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 15.

Total amount of all past-due priority claims. \$ \_\_\_\_\_ ÷ 60 = \$ \_\_\_\_\_

32. Projected monthly Chapter 13 plan payment

Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. To find this information, go to http://www.justice.gov/ust/eo/bapcpa/meanstesting.htm or ask for help at the clerk's office

Average monthly administrative expense

Form for 32: Projected monthly Chapter 13 plan payment. Includes fields for multiplier (X), administrative expense, and total amount.

33. Add all of the deductions for debt payment. Add lines 29 through 32.

Total Deductions from Income

34. Add all of the allowed deductions.

Copy line 20, All of the expenses allowed under IRS expense allowances

Copy line 28, All of the additional expense deductions

Copy line 33, All of the deductions for debt payment

Total deductions

Form for 34: Add all of the allowed deductions. Includes fields for each deduction type and a total field.

Part 2: Determine Your Disposable Income Under 11 U.S.C. § 1325(b)(2)

35. Copy your total current monthly income from line 14 of Form 22C-1, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

Form for 35: Total current monthly income. Includes a dollar amount field.

36. Fill in any reasonably necessary income you receive for support for dependent children. The monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I of Form 22C-1, that you received in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child.

Form for 36: Income for support for dependent children. Includes a dollar amount field.

37. Fill in all qualified retirement deductions. The monthly total of all amounts that your employer withheld from wages as contributions for qualified retirement plans, as specified in § 541(b)(7) plus all required repayments of loans from retirement plans, as specified in § 362(b)(19).

Form for 37: Qualified retirement deductions. Includes a dollar amount field.

38. Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Copy line 34.

Form for 38: Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Includes a dollar amount field.

39. Deduction for special circumstances. If special circumstances justify additional expenses and you have no reasonable alternative, describe the special circumstances and their expenses. You must give your case trustee a detailed explanation of the special circumstances and documentation for the expenses.

Table for 39: Deduction for special circumstances. Columns: Describe the special circumstance, Amount of expense. Rows 39a, 39b, 39c, 39d.Total.

Form for 39d: Total. Includes a dollar amount field and a 'Copy 39d here' instruction.

40. Total adjustments. Add lines 36 through 39d.

\$ \_\_\_\_\_ Copy total here → — \$ \_\_\_\_\_

41. Calculate your monthly disposable income under § 1325(b)(2). Subtract line 40 from line 35.

\$ \_\_\_\_\_

Part 3: Change in Income or Expenses

42. Change in income or expenses. If the income in Form 22C-1 or the expenses you reported in this form has changed or is virtually certain to change during the 12 months after the date you filed your bankruptcy petition, fill in the information below. For example, if the wages reported increased after you filed your petition, check 22C-1 in the first column, enter line 2 in the second column, explain why the wages increased, fill in when the increase occurred, and fill in the amount of the increase.

Form	Line	Reason for change	Date of change	Increase or decrease?	Amount of change
<input type="checkbox"/> B22C-1	_____		_____	<input type="checkbox"/> Increase	\$ _____
<input type="checkbox"/> B22C-2				<input type="checkbox"/> Decrease	
<input type="checkbox"/> B22C-1	_____		_____	<input type="checkbox"/> Increase	\$ _____
<input type="checkbox"/> B22C-2				<input type="checkbox"/> Decrease	
<input type="checkbox"/> B22C-1	_____		_____	<input type="checkbox"/> Increase	\$ _____
<input type="checkbox"/> B22C-2				<input type="checkbox"/> Decrease	
<input type="checkbox"/> B22C-1	_____		_____	<input type="checkbox"/> Increase	\$ _____
<input type="checkbox"/> B22C-2				<input type="checkbox"/> Decrease	

Part 4: Sign Here

By signing here, under penalty of perjury you declare that the information on this statement and in any attachments is true and correct.

X \_\_\_\_\_  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

## Official Forms 22C–1 and 22C–2

### Instructions for the Chapter 13 Statement of Your Current Monthly Income, Calculation of Commitment Period and Chapter 13 Calculation of Your Disposable Income

United States Bankruptcy Court

12/01/13

#### How to Fill Out these Forms

Official Forms 22C–1 and 22C–2 determine the period for your payments to creditors, how the amount you may be required to pay to creditors is established, and, in some situations, how much you must pay.

You must file 22C–1, the *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 22C–1) if you are an individual and you are filing under chapter 13. This form will determine your current monthly income and determine whether your income is below the median income for households of the same size in your state. If your income is not above the median, you will not have to fill out the second form. Form 22C–1 also will determine your applicable commitment period—the time period for making payments to your creditors.

If your income is above the median, you must file the second form, 22C–2, *Chapter 13 Calculation of Your Disposable Income*. The calculations on this form—sometimes called the *Means Test*—reduce your income by living expenses and payment of certain debts, resulting in an amount available to pay unsecured debts. Your chapter 13 plan may be required to provide for payment of this amount toward unsecured debts.

Read each question carefully. You may not be required to answer every question on this form. The instructions will alert you if you may skip questions.

Some of the questions require you to go to other sources for information. In those cases, the form has instructions for where to find the information you need.

If you and your spouse are filing together, you and your spouse must file a single statement.

#### Understand the terms used in these form

These forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. When information is needed about the spouses separately, the forms use *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

#### Things to remember when filling out this form

- Be as complete and accurate as possible.
- If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.

**Do not file these instructions with your bankruptcy filing package. Keep them for your records.**

## COMMITTEE NOTE

Official Forms 22A-1, 22A-2, 22C-1, and 22C-2 are new versions of the “means test” forms used by individuals in chapter 7 and 13, formerly Official Forms 22A and 22C. The original forms were substantially revised as part of the Forms Modernization Project. Official Form 22B, used by individuals in chapter 11, has also been revised as part of the project, which was designed so that the individuals completing the forms would do so more accurately and completely.

The revised versions of the means test forms present the relevant information in a format different from the original forms. For chapter 7, former Official Form 22A has been split into two forms: 22A-1 and 22A-2. The first form, Official Form 22A-1, *Chapter 7 Statement of Your Current Monthly Income*, is to be completed by all chapter 7 debtors. It calculates a debtor’s current monthly income and compares that calculation to the median income for households of the same size in the debtor’s state. The second form, Official Form 22A-2, *Chapter 7 Means Test Calculation*, is to be completed only by those chapter 7 debtors whose income is above the applicable state median.

For chapter 13, there is a similar split of income and expense calculations. All chapter 13 debtors must complete Official Form 22C-1, *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period*, which calculates current monthly income and the plan commitment period. Debtors only need to complete the second form, Official Form 22C-2, *Chapter 13 Calculation of Your Disposable Income*, if their current monthly income exceeds the applicable median. Form 22C-2 calculates disposable income under 11 U.S.C. § 1325(b)(3), through a report of allowed expense deductions.

Line 60 of former Official Form 22C has not been repeated in Official Form 22C-2. This line allowed debtors to list, but not deduct from income, “Other Necessary Expense” items that are not included within the categories specified by the Internal Revenue Service. Because debtors are separately allowed to list—and deduct—any expenses arising from special circumstances, former Line 60 was rarely used.

Form 22C-2 also reflects the Supreme Court’s decision in *Hamilton v. Lanning*, 130 S. Ct. 2464 (2010). Adopting a forward-looking approach, the Court held in *Lanning* that the calculation of a chapter 13 debtor’s projected disposable income under § 1325(b)

required consideration of changes to income or expenses reported elsewhere on former Official Form 22C that, at the time of plan confirmation, had occurred or were virtually certain to occur. Those changes could result in either an increased or decreased projected disposable income. Because only debtors whose annualized current monthly income exceeds the applicable median family income have their projected disposable income determined by the information provided on Official Form 22C-2, only these debtors are required to provide the information about changes to income and expenses on Official Form 22C-2. Part 3 of Official Form 22C-2 provides for the reporting of those changes.

In reporting changes to income a debtor must indicate whether the amounts reported in Official Form 22C-1—which are monthly averages of various types of income received during the six months prior to the filing of the bankruptcy case—have already changed or are virtually certain to change during the 12 months following the filing of the bankruptcy petition. For each change, the debtor must indicate the line of Official Form 22C-1 on which the amount to be changed was reported, the reason for the change, the date of its occurrence, whether the change is an increase or decrease of income, and the amount of the change. Similarly, in reporting changes to expenses, a debtor must list changes to the debtor's actual expenditures reported in Part 1 of Official Form C-2 that are virtually certain to occur during the 12 months following the filing of the bankruptcy petition. With respect to the deductible amounts reported in Part 1 that are determined by the IRS national and local standards, only changed amounts that result from changed circumstances in the debtor's life—such as the addition of a family member or the surrender of a vehicle—should be reported. For each change in expenses, the same information required to be provided for income changes must be reported.

Unlike former Official Forms 22A and 22C, line 23 of Official Form 22A-2 and line 19 of Official Form 22C-2 permit the deduction of cell phone expenses necessary for the production of income if those expenses have not been reimbursed by the debtor's employer or deducted by the debtor in calculating net self-employment income. The same lines also state that expenses for internet service may be deducted as a telecommunication services expense only if necessary for the production of income. Under IRS guidelines adopted in 2011, expenses for home internet service used for other purposes are included in the Local Standards for Housing and utilities—Insurance and operating expenses.