

Federal Rules of Bankruptcy Procedure Changes, Effective December 1, 2021

- Rule 2005: Apprehension and Removal of Debtor to Compel Attendance for Examination
- Rule 3007: Objections to Claims
- Rule 7007.1: Corporate Ownership Statement
- Rule 9036: Notice and Service by Electronic Transmission

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 2005. Apprehension and Removal of Debtor to**
2 **Compel Attendance for Examination**

3 * * * * *

4 (c) CONDITIONS OF RELEASE. In determining
5 what conditions will reasonably assure attendance or
6 obedience under subdivision (a) of this rule or appearance
7 under subdivision (b) of this rule, the court shall be governed
8 by the relevant provisions and policies of title 18, U.S.C.,
9 § ~~3146(a) and (b)~~ 3142.

Committee Note

 The rule is amended to replace the reference to 18 U.S.C. § 3146(a) and (b) with a reference to 18 U.S.C. § 3142. Sections 3141 through 3151 of Title 18 were repealed by the Bail Reform Act of 1984, Pub. L. No. 98-473, Title II, § 203(a), 98 Stat. 1976 (1984), and replaced by new provisions dealing with bail. The current version of 18 U.S.C. § 3146 deals not with conditions to assure attendance or appearance, but with penalties for failure to appear. The topic of conditions is in 18 U.S.C. § 3142. Because 18 U.S.C. § 3142 contains provisions bearing on

¹ New material is underlined; matter to be omitted is lined through.

topics not included in former 18 U.S.C. § 3146(a) and (b), the rule is also amended to limit the reference to the “relevant” provisions and policies of § 3142.

1 **Rule 3007. Objections to Claims**

2 (a) TIME AND MANNER OF SERVICE

3 * * * * *

4 (2) *Manner of Service.*

5 (A) The objection and notice shall be served
6 on a claimant by first-class mail to the person
7 most recently designated on the claimant's
8 original or amended proof of claim as the
9 person to receive notices, at the address so
10 indicated; and

11 * * * * *

12 (ii) if the objection is to a claim of an
13 insured depository institution as
14 defined in section 3 of the Federal
15 Deposit Insurance Act, in the manner
16 provided in Rule 7004(h).

17 * * * * *

Committee Note

Subdivision (a)(2)(A)(ii) is amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813. Rule 7004(h) was enacted by Congress as part of the Bankruptcy Reform Act of 1994. It applies only to insured depository institutions that are insured by the Federal Deposit Insurance Corporation and does not include credit unions, which are instead insured by the National Credit Union Administration. A credit union, therefore, may be served with an objection to a claim according to Rule 3007(a)(2)(A)—by first-class mail sent to the person designated for receipt of notice on the credit union’s proof of claim.

1 **Rule 7007.1. Corporate Ownership Statement**

2 (a) REQUIRED DISCLOSURE. Any
3 nongovernmental corporation that is a party to an adversary
4 proceeding, other than the debtor, ~~or a governmental unit,~~
5 shall file ~~two copies of~~ a statement that identifies any parent
6 corporation and any publicly held corporation, ~~other than a~~
7 ~~governmental unit, that directly or indirectly that~~ owns 10%
8 or more of ~~any class of the corporation's equity interests, its~~
9 stock or states that there ~~are no entities to report under this~~
10 ~~subdivision is no such corporation.~~ The same requirement
11 applies to a nongovernmental corporation that seeks to
12 intervene.

13 (b) TIME FOR FILING; SUPPLEMENTAL
14 FILING. ~~A party shall file the~~ The corporate ownership
15 statement shall: ~~required under Rule 7007.1(a)~~

16 (1) be filed ~~with its~~ the corporation's first
17 appearance, pleading, motion, response, or other
18 request addressed to the court; and

19 (2) be supplemented whenever the
20 information required by this rule changes A
21 ~~party shall file a supplemental statement~~
22 ~~promptly upon any change in circumstances~~
23 ~~that this rule requires the party to identify or~~
24 ~~disclose.~~

Committee Note

The rule is amended to conform to recent amendments to Fed. R. Bankr. P. 8012 and Fed. R. App. P. 26.1, and the anticipated amendment to Fed. R. Civ. P. 7.1. Subdivision (a) is amended to encompass nongovernmental corporations that seek to intervene. Stylistic changes are made to subdivision (b) to reflect that some statements will be filed by nonparties seeking to intervene.

1 **Rule 9036. Notice and Service ~~Generally—by~~**
2 **Electronic Transmission**

3 (a) IN GENERAL. This rule applies ~~Whenever~~
4 these rules require or permit sending a notice or serving a
5 paper by mail or other means. ~~the clerk, or some other~~
6 ~~person as the court or these rules may direct, may send the~~
7 ~~notice to— or serve the paper on—~~

8 (b) NOTICES FROM AND SERVICE BY THE
9 COURT.

10 (1) Registered Users. The clerk may send
11 notice to or serve a registered user by filing the notice
12 or paper it ~~with the court's electronic-filing system.~~

13 (2) All Recipients. For any recipient, the
14 clerk may send notice or serve a paper ~~Or it may be sent~~
15 ~~to any person by other~~ electronic means that the ~~person~~
16 recipient consented to in writing., including by
17 designating an electronic address for receipt of notices.

18 But these exceptions apply:

19 (A) if the recipient has registered an
20 electronic address with the Administrative Office
21 of the United States Courts' bankruptcy-noticing
22 program, the clerk shall send the notice to or serve
23 the paper at that address; and

24 (B) if an entity has been designated by the
25 Director of the Administrative Office of the
26 United States Courts as a high-volume paper-
27 notice recipient, the clerk may send the notice to
28 or serve the paper electronically at an address
29 designated by the Director, unless the entity has
30 designated an address under § 342(e) or (f) of the
31 Code.

32 (c) NOTICES FROM AND SERVICE BY AN
33 ENTITY. An entity may send notice or serve a paper in the
34 same manner that the clerk does under (b), excluding
35 (b)(2)(A) and (B).

- 36 (d) COMPLETING NOTICE OR SERVICE. ~~In~~
37 ~~either of these events,~~ Electronic service or notice or service
38 is complete upon filing or sending but is not effective if the
39 filer or sender receives notice that it did not reach the person
40 to be served. It is the recipient's responsibility to keep its
41 electronic address current with the clerk.
- 42 (e) INAPPLICABILITY. This rule does not apply
43 to any ~~pleading or other~~ paper required to be served in
44 accordance with Rule 7004.

Committee Note

The rule is amended to take account of the Administrative Office of the United States Courts' program for providing notice to high-volume paper-notice recipients. Under this program, when the Bankruptcy Noticing Center (BNC) has sent by mail more than a designated number of notices in a calendar month (initially set at 100) from bankruptcy courts to an entity, the Director of the Administrative Office will notify the entity that it is a high-volume paper-notice recipient. As such, this "threshold notice" will inform the entity that it must register an electronic address with the BNC. If, within a time specified in the threshold notice, a notified entity enrolls in Electronic Bankruptcy Noticing with the BNC, it will be sent notices electronically at the address maintained by the BNC upon a start date determined by the Director. If a notified entity does not timely enroll in Electronic Bankruptcy Noticing, it will

be informed that court-generated notices will be sent to an electronic address designated by the Director. Any designation by the Director, however, is subject to the entity's right under § 342(e) and (f) of the Code to designate an address at which it wishes to receive notices in chapter 7 and chapter 13 cases, including at its own electronic address that it registers with the BNC.

The rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties. Both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. Only courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the Electronic Bankruptcy Noticing program.

The title of the rule is revised to more accurately reflect the rule's applicability to methods of electronic noticing and service. Rule 9036 does not preclude noticing and service by physical means otherwise authorized by the court or these rules.