



Comment on Official Bankruptcy Forms 22A and 22C
Mary Gorman to: Rules Comments

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History: This message has been forwarded.

My comments relate solely to the proposed Official Forms 22A-1, 22A-2, 22C-1 and 22C-2.

I wholeheartedly support dividing Forms 22A and 22C each into two separate forms - one for income and one for expenses. As noted by the Committee, many debtors filing Chapter 7 or Chapter 13 are not required to complete the expense portions of the forms. There is simply no need to have three or four pages of unanswered questions about expenses between a debtor's income information and the signature page. Use of the separate forms will make review of the forms easier.

I also agree that a form needs to be developed to make the so-called Hamilton v. Lanning adjustments to disposable income calculations in Chapter 13. I question, however, whether the proposed Part 3 to Form 22C-2 is the right way to fill the need. Hamilton v. Lanning changes may occur at anytime before confirmation for over or under the median income debtors and may relate to either the income or expense side of the calculation. I would suggest that a stand alone form would be more appropriate than the proposed Part 3.

My experience is that often debtors have changes in circumstances which occur after filing but before confirmation. And, some debtors have multiple changes - they lose a job, start getting unemployment benefits, find a part-time job, etc. Why should a debtor be required refile the entire 22C-2 to report each change? A stand alone form would preserve the efficiencies of dividing the forms and would make changes easier to review because the form would include only the changed and most up-to-date information.

Further, the proposed Part 3 would not be appropriate for use by under the median income debtors. Those debtors determine their disposable income by first calculating their current monthly income on the 22C and then using their Schedule J expenses as deductions. The Committee notes that Part 3 would not be used by under the median income debtors because they would not be filing the new 22C-2 in the first place. But, why not create one form that would allow calculation of disposable income with Hamilton v. Lanning adjustments that would work for both over and under the median income debtors? Again, by creating a stand alone form, lines to show adjustments to either 22C-2 expenses or Schedule J expenses could easily be included. A form that could be used in all cases would really be helpful.

Finally, I would suggest that the stand alone form include a final calculation of monthly disposable income as adjusted by the changes shown on the form. This would require a debtor to actually state what their monthly disposable income is after the claimed adjustments are made.

Thank you for your consideration of these comments.

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