

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT**

In re:

ADOPTION OF INTERIM BANKRUPTCY RULES  
RELATING TO SBRA INTERIM RULES WITH  
AMENDMENTS NECESSITATED BY CARES ACT  
AND NOTICE OF AMENDED OFFICIAL FORMS

**GENERAL ORDER NO. 2020-02**

On January 28, 2020, this Court issued General Order No. 2020-1 adopting Interim Rules relating to the Small Business Reorganization Act of 2019 (SBRA), including Interim Rule 1020. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was signed into law, and that legislation requires an amendment to Interim Rule 1020. The previously adopted SBRA related Interim Rules with the amendment to Interim Rule 1020, and a copy of the amendment to Interim Rule 1020 showing the CARES Act-related changes can be found at: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>. The amendment to the United States Bankruptcy Code by the CARES Act that has necessitated the amendment to Interim Rule 1020 will terminate one year after the date of enactment of the CARES Act.

The amendments incorporated in Interim Rule 1020 need to be in place long before the Federal Rules of Bankruptcy Procedure can be amended under the three-year process required by the Rules Enabling Act. The Judicial Conference has authorized distribution of these Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by SBRA and the CARES Act.

**NOW THEREFORE**, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, it is hereby

**ORDERED:** The amendments to SBRA Interim Rule 1020 necessitated by the CARES Act, a copy of which are attached to this Order, are adopted in their entirety without change by the judges of this Court to be effective April 22, 2020. General Order No. 2020-2 revises General Order No. 2020-1 only to add the amendments to Interim Rule 1020

necessitated by the CARES Act effective April 22, 2020. General Order No. 2020-1 remain in effect as to filings made before April 22, 2020; and it is further

**ORDERED:** Notice is given that the Judicial Conference's Advisory Committee on Bankruptcy Rules has approved conforming one-year technical changes to five bankruptcy forms (Official Forms 101, 122A-1, 122B, 122C-1, and 201) in light of CARES Act amendments to the Bankruptcy Code. The Official Forms are posted at:

<https://www.uscourts.gov/forms/bankruptcy-forms> and the Committee Notes to the Official Forms explain the significant changes to these forms; and it is further

**ORDERED:** The Interim Rules, as amended, shall remain in effect until further order of the Court. The Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court, except to the extent inconsistent with the Interim Rules, continue to apply to cases and proceedings in this Court.

**IT IS SO ORDERED.**

Dated at Bridgeport, Connecticut this 22nd day of April, 2020.

*Julie A. Manning*  
Chief United States Bankruptcy Judge  
District of Connecticut



## Attachment

1 **Rule 1020. Chapter 11 Reorganization Case for Small**  
2 **Business Debtors or Debtors Under Subchapter V**  
3 (a) ~~SMALL-BUSINESS DEBTOR~~  
4 DESIGNATION. In a voluntary chapter 11 case, the debtor  
5 shall state in the petition whether the debtor is a small  
6 business debtor or a debtor as defined in § 1182(1) of the  
7 Code and, if the latter so, whether the debtor elects to have  
8 subchapter V of chapter 11 apply. In an involuntary chapter  
9 11 case, the debtor shall file within 14 days after entry of the  
10 order for relief a statement as to whether the debtor is a small  
11 business debtor or a debtor as defined in § 1182(1) of the  
12 Code and, if the latter so, whether the debtor elects to have  
13 subchapter V of chapter 11 apply. The status of the case as  
14 a small business case or a case under subchapter V of chapter  
15 11 shall be in accordance with the debtor's statement under  
16 this subdivision, unless and until the court enters an order  
17 finding that the debtor's statement is incorrect.

18 (b) OBJECTING TO DESIGNATION. The United  
19 States trustee or a party in interest may file an objection to  
20 the debtor's statement under subdivision (a) no later than 30  
21 days after the conclusion of the meeting of creditors held

22 under § 341(a) of the Code, or within 30 days after any  
23 amendment to the statement, whichever is later.  
24 (c) PROCEDURE FOR OBJECTION OR  
25 DETERMINATION. Any objection or request for a  
26 determination under this rule shall be governed by Rule 9014  
27 and served on: the debtor; the debtor's attorney; the United  
28 States trustee; the trustee; the creditors included on the list  
29 filed under Rule 1007(d) or, if a committee has been  
30 appointed under § 1102(a)(3), the committee or its  
31 authorized agent; and any other entity as the court directs.

#### **Committee Note**

The interim rule is amended in response to the enactment of the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), Pub. L. No. 116-136, 134 Stat. 281. That law provides a new definition of "debtor" for determining eligibility to proceed under subchapter V of chapter 11. Subdivision (a) of the rule is amended to reflect that change. This amendment to the Code will terminate one year after the date of enactment of the CARES Act.