

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF ILLINOIS

In re

**ADOPTION OF REVISED INTERIM BANKRUPTCY RULE 1020**

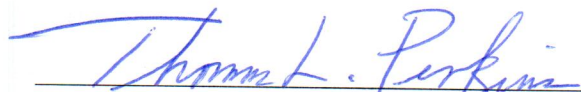
**GENERAL ORDER**

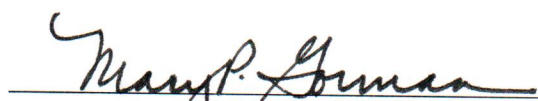
On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act (“BTATC Act”) was enacted into law. Among other changes to Title 11, the BTATC Act temporarily and retroactively reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020, through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), as amended. Interim Bankruptcy Rule 1020 has been amended to reflect the change. A red-lined version of Interim Bankruptcy Rule 1020, as revised in response to the BTATC Act, is attached hereto. All of the Interim Bankruptcy Rules are available on the courts’ public website (uscourts.gov).

IT IS THEREFORE ORDERED that, 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, the attached Interim Bankruptcy Rule 1020, as revised in response to the BTATC Act, is adopted in its entirety without change by the bankruptcy judges of the Bankruptcy Court for the Central District of Illinois to be effective immediately. The other interim rules previously adopted through this Court’s General Order effective February 19, 2020, continue to apply. For cases and proceedings not governed by the Small Business Reorganization Act of 2019 (“SBRA”), the Federal Rules of Bankruptcy Procedure, other than the Interim Bankruptcy Rules, shall apply.

The revised Interim Bankruptcy Rule 1020 shall remain in effect until two years after the effective date of the BTATC Act, unless extended.

DATED this 25<sup>th</sup> day of July, 2022.

  
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THOMAS L. PERKINS  
CHIEF UNITED STATES BANKRUPTCY JUDGE

  
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MARY P. GORMAN  
UNITED STATES BANKRUPTCY JUDGE

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**  
2 **Small 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 Bankruptcy Threshold Adjustment and Technical Correction Act (the “BTATC Act”), Pub. L. No. 117-151, \_\_\_ Stat. \_\_\_\_\_. The BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020 through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281, as amended. Subdivision (a) of the rule is amended to reflect that change. This Interim Rule will terminate two years after the date of enactment of the BTATC, unless the Act is extended.