

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

**STANDING ORDER REGARDING THE  
AMENDMENT OF INTERIM BANKRUPTCY RULE 1020  
AND NOTICE OF AMENDED OFFICIAL FORMS**

By Standing Order dated January 9, 2020, the Court adopted certain interim bankruptcy rules in order to implement the Small Business Reorganization Act of 2019.<sup>1</sup> The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), signed into law on March 27, 2020, necessitates amendments to Interim Local Rule 1020 to account for a new definition of “debtor” applicable to subchapter V of chapter 11 of the Bankruptcy Code.

THEREFORE, it is hereby ORDERED that the attached amendments to Interim Local Rule 1020 are hereby adopted in their entirety, effective immediately and remaining in effective until March 27, 2021.

FURTHER, notice is given that the Advisory Committee on Bankruptcy Rules has approved conforming one-year technical changes to Official Forms 101, 122A-1, 122B, 122C-1, and 201 in light of CARES Act. Those forms are posted at:

<https://www.uscourts.gov/forms/bankruptcy-forms>.

DATED: April 22, 2020.

/s/ Peter G. Cary  
Peter G. Cary  
Chief U.S. Bankruptcy Judge

/s/ Michael A. Fagone  
Michael A. Fagone  
U.S. Bankruptcy Judge

---

<sup>1</sup> Interim Local Rules 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017.1, 3017.2, 3018, and 3019.

## 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.