DECEMBER 1, 2025, CHANGES TO THE FEDERAL RULES OF BANRUPTCY PROCEDURE AND NEW OFFICIAL FORMS

On September 17, 2024, the Judicial Conference of the United States (JCUS) approved proposed amendments to certain Federal Rules of Bankruptcy Procedure (FRBP) and the adoption of new Official Bankruptcy Forms. The proposals were transmitted to the United States Supreme Court on October 17, 2024. The Supreme Court adopted the proposed amendments, and they were transmitted to Congress on April 23, 2025. Absent Congressional intervention, the proposed amendments will take effect on December 1, 2025.

FRBP Rule 3002.1 -Notice Relating to Claims Secured by a Security Interest in the Debtor's Principal Residence in a Chapter 13 Case.

The rule is amended to encourage a greater degree of compliance with its provisions and to allow assessments of a mortgage claim's status while a chapter 13 case is pending in order to give the debtor an opportunity to cure any post-petition defaults that may have occurred. Stylistic changes are made throughout the rule, and its title and subdivision headings have been changed to reflect the amended content.

Subdivision (a) is amended to delete "contractual" and "installment" to clarify and broaden the rule's applicability. Subdivision (b) is amended to provide more detailed provisions about notice of payment changes for HELOCs. HELOC claimants may now choose to file only an annual payment change notice while also ensuring at least 21 days' notice before a payment increase takes effect. Subdivision (b)(3) now states that the effective date of the new payment amount, for an increased payment, must be at least 21 days after the notice was filed and served.

Subdivision (f) has been added to the rule to provide an optional procedure for assessing the status of a mortgage at any point before the trustee files the notice required under (g)(1). This procedure is initiated by motion, on the newly adopted Official Forms as further described herein. Subdivision (h) (previously subdivision (i)) is amended to clarify that the listed sanctions are authorized in addition to any other actions that the rule authorizes the court to take if the claim holder fails to provide notice or respond as required.

Other amendments to the rule are made to incorporate the new Official Forms.

New Official Forms:

Official Form 410C13-M1 (Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim)

Official Form 410C13-M1R (Response to [Trustee's/Debtor's] Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim)

Official Form 410C13-N (Trustee's Notice of Payments Made)

Official Form 410C13-NR (Response to Trustee's Notice of Payments Made)

Official Form 410C13-M2 (Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of Mortgage Claim)

Official Form 410C13-M2R (Response to [Trustee's/Debtor's] Motion Under Rule3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim)

NOTE: Official Form 410S1 has been revised.

FRBP 8006 -Certifying a Direct Appeal to the Court of Appeals

Rule 8006(g) is revised to clarify that any party to the appeal may file a request that a court of appeals authorize a direct appeal. There is no obligation to do so if no party wishes the court of appeals to authorize a direct appeal. This amendment dovetails with the proposed amendments to Federal Rule of Appellate Procedure (FRAP) 6.

FRAP 6 -Appeal in a Bankruptcy Case

Subdivision (a) is amended to clarify that, when a district court is exercising original jurisdiction in a bankruptcy case or proceeding under 28 U.S.C. § 1334, the time in which to file post-judgment motions that can reset the time to appeal under Rule 4(a)(4)(A) is controlled by the FRBP. This chart is a visual representation of such time periods:

FRCP	FRBP	Time under FRBP
50(b)	9015(c)	14 days
52(b)	7052	14 days
59	9023	14 days
54(d)(2)(B)	7054(b)(2)(A)	14 days
60	9024	14 days

Amendments to subdivision (c) are intended to address a problem created in 2014 when FRAP 6(c) incorporated by reference most of FRAP 5. Over time it became evident that FRAP 5 is not a perfect fit for direct appeals of bankruptcy court orders to the court of appeals. The amendments to subdivision (c) make the rule self-contained and limit the applicability of FRAP 5 to direct appeals, except as otherwise specified in FRAP 6(c).