

Debtor Electronic Bankruptcy Noticing (DeBN)
FAQs for Debtors and their Attorneys
(revised 4/2015)

| | QUESTION: | ANSWER: |
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| 1. | Does a debtor have to file a DeBN request form? | Yes. Although DeBN is voluntary, after Local Bankruptcy Rule (LBR) 9036.1 takes effect, each debtor who files a voluntary bankruptcy must file the DeBN request form at the time the initial bankruptcy petition is filed. By filing the form the debtor may initially request to have an account created or opt out of DeBN. By filing an updated DeBN request form the debtor may also update, deactivate, or reactivate an existing account. |
| 2. | Can a debtor file a DeBN request at any time? | Yes. The request form <i>must</i> be filed in all new cases filed after LBR 9036.1 takes effect. It <i>may</i> be filed in a case that exist before LBR 9036.1 takes effect. Updates to or requests to deactivate an existing account may be filed any time. |
| 3. | Is an electronic signature acceptable (/s/ or s/)? | It depends. An electronic signature will suffice only if the form is filed electronically by debtor's counsel. If filed at the front counter or via U.S. mail, original signatures and proof of identification are required. |
| 4. | In a joint case, can one debtor request DeBN and the joint debtor opt out of DeBN? | Yes. Each debtor must file a separate DeBN request form. The debtor enrolled in DeBN will receive email notices, and the debtor not enrolled in DeBN will receive notices via U.S. mail. |
| 5. | In a joint case, can both debtors request DeBN and use the same email address? | Yes. A separate DeBN account will be created for each debtor and separate emails are sent to each debtor, even if they have the same email address. |

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| 6. | Can a business debtor request DeBN? | Yes. A voluntary business debtor must file a DeBN request form to opt in or opt out of DeBN. The printed name and title of the signer is required on the form. |
| 7. | If a debtor files a business case and an individual case and wants to request DeBN in both cases, does the debtor have to file the request form in both cases? | Yes. The DeBN request form must be filed in every voluntary bankruptcy case. The debtor's name will be different in each case. Accounts are created using the debtor name and address—not the name of the individual who signed the request form. |
| 8. | Can a debtor request to receive notices at more than one email address, or request both email and U.S. mail delivery? | No. The DeBN database can only accept one email address per debtor. The debtor will only receive one notice from the court, either via email or U.S. mail—not both, and not at multiple addresses. |
| 9. | How is the DeBN account activated? | Upon the court's creation of a DeBN account, the BNC contractor activates the account. A confirmation email is then queued to the debtor to indicate that activation was successful. In a joint case, separate emails are sent to each debtor and joint debtor if both debtors requested DeBN. |
| 10. | Does each debtor receive a unique DeBN account number? | Yes. The BNC assigns a unique account number to each DeBN account. This number is included on all emails that the debtor receives from the BNC. If you need to communicate with the BNC about a specific account, the BNC will need to know the DeBN account number. |
| 11. | What documents will a debtor receive via email? | DeBN sends only items that are being served by the court and sent/generated to the BNC for service on the debtor, for example: 341 notices, Chapter 13 plans, and notices of dismissal. Note: Any PDF larger than 8 MB will be sent by U.S. mail to the debtor. |

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| 12. | Will a debtor with an active DeBN account receive notices via email in other cases? | Yes. If the debtor's name and address in any case filed in any bankruptcy court matches the name and address in the debtor's active DeBN account, the notice or order will be sent via email. This includes cases in any bankruptcy court where the debtor is a party in an adversary, is listed as a creditor, and in any future case filed by the debtor. |
| 13. | Can other parties serve the debtor via email? | No. The debtor only consents to receive electronic notices from the court through DeBN. All other parties must continue to serve the debtor as required by applicable bankruptcy law and rules. |
| 14. | If the BNC contractor is privately employed by an outside party (trustee or attorney), will the BNC contractor email the document to a DeBN debtor? | No. Trustees and private attorneys sometimes contract with the BNC to serve their documents by mail. This is separate from the contract between the judiciary and the BNC. If a debtor requests DeBN notice, the BNC will only change the manner in which notices are sent on behalf of the courts. The BNC will continue to send documents via U.S. mail on behalf of outside parties that employ the BNC's services. |
| 15. | Will the debtor's email address be visible to the public? | Yes. The BNC Certificate of Mailing will contain the debtor's email address, if the debtor was noticed via email. |
| 16. | How will someone know if the debtor was noticed via email? | The BNC Certificate of Mailing will indicate if the notice was sent via email or U.S. mail and will include either the email address or mailing address. |
| 17. | Will a DeBN debtor's name appear in CM/ECF on the list of parties who receive electronic notice in the case? | No. The debtor is only receiving electronic notice through the BNC—not through CM/ECF. DeBN notification operates separately from CM/ECF notification. The electronic service list in CM/ECF contains registered CM/ECF e-filers who are receiving the Notice of Electronic Filing (NEF) for all documents filed in a particular case. |

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| 18. | Is the email the debtor receives through DeBN the same as the NEF that the attorneys and trustees receive through CM/ECF? | No. The email the debtor receives is sent by the BNC and is not generated until the end of the day. The document is sent as a PDF attachment (not a hyperlink), so the debtor is able to view the document multiple times. By contrast, an NEF is sent through CM/ECF immediately after the filing of a document and the recipient is allowed only one free viewing of the document via a hyperlink within the email. |
| 19. | How are the DeBN and JtDeBN flags set in CM/ECF? | CM/ECF turns on the DeBN or JtDeBN flag when the debtor or joint debtor files a DeBN Request Form to activate or update a DeBN account. CM/ECF turns off the DeBN or JtDeBN flag when the debtor or joint debtor files a DeBN Request Form to deactivate or decline DeBN notification. |
| 20. | Will someone know if the DeBN account is active by looking at the docket sheet in CM/ECF? | Usually. The DeBN and JtDeBN flags will typically reflect when the account is active. However, the DeBN account is maintained through the BNC and the status of a DeBN account is not automatically reflected in CM/ECF. For example, if a DeBN email bounces back to the BNC as undeliverable, the BNC will automatically disable the DeBN account without updating the DeBN or JtDeBN flags in CM/ECF. <i>Please contact the court if your account was disabled due to a bounceback.</i> |
| 21. | How do I verify my DeBN account status? | Please contact the court. |
| 22. | Can a DeBN account be created with an adversary case number? | No. The DeBN request form should be filed in the bankruptcy case that is related to the adversary case. The DeBN system will send notices to the debtor in all cases filed in any bankruptcy court if the name and address of the debtor's DeBN account match the name and address of the person in the bankruptcy case. Consequently, if the debtor is a party in an adversary proceeding, the debtor will |

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| | | receive court notices and orders filed in the adversary proceeding if the debtor has an active DeBN account and the debtor's name and address in the adversary proceeding <u>exactly</u> match the name and address in the debtor's account. <i>Please contact the court if you are not receiving DeBN notices in an adversary case.</i> |
| 23. | Will repeat filers with an existing DeBN account need to file a request form in their new case? | Yes. LBR 9036.1 requires a voluntary debtor to file a DeBN Request Form with the petition in every case. |
| 24. | If the debtor's name and/or mailing address is changed in CM/ECF due to filing an amended petition or a change of address, does the debtor have to also file an updated DeBN Request Form? | No. An updated DeBN request form is not required when the debtor's name and/or mailing address has changed in CM/ECF due to an amended petition or change of address. The clerk's office staff will apply the changes to the DeBN account if one exists. |
| 25. | If there is a change in the debtor's email address that was used for DeBN, does the debtor have to file an updated DeBN Request Form? | Yes. The debtor should select the Update to Account Information option on the DeBN Request Form. |
| 26. | If the debtor's name and mailing address in the case and the DeBN account do not match, will the debtor's account be disabled/deactivated? | No. The status of an account is not affected by a non-match. HOWEVER, if the name and address do not match, that particular notice/order will be mailed instead of emailed. The BNC will perform the name and address matching process for every notice/order it receives. |
| 27. | What happens if the <u>email alerting the debtor that the account has been created or updated</u> results in a bounceback? | When a DeBN account is created or updated, the BNC sends an alert email to the debtor advising of the creation or update. If that email bounces back, the BNC will immediately deactivate the account and the debtor will be sent notices by U.S. mail thereafter. |

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| 28. | What happens if the <u>email containing a notice/order</u> results in a bounceback? | Upon receipt of a bounceback notification, the BNC will immediately disable/deactivate the account and the debtor will be sent notices by U.S. mail thereafter. If the debtor wishes to reactivate the account, the debtor must file a new DeBN Request Form requesting reactivation of the account. |
| 29. | Does a DeBN account ever expire? | No. An account will always remain active, unless the debtor requests account deactivation or the BNC receives an email bounceback. If the debtor files a case years after enrolling in DeBN, the debtor will still receive electronic notice as long as the debtor's name and address in the new case matches the name and address in the debtor's DeBN account. If there is no match, then the notices will be mailed, but the account will still remain active. |
| 30. | Do all bankruptcy courts offer DeBN? | Each court can decide whether to offer DeBN to debtors. |
| 31. | How are updates to a DeBN account activated? | When the court updates a DeBN account, the BNC contractor will activate the changes, but updates may take one or two business days to take effect. A confirmation email will then be queued to the debtor to indicate that the update was successfully activated. Separate emails will be sent for each debtor and joint debtor. |