

# Application for Waiver of the Chapter 7 Filing Fee or to Proceed *in Forma Pauperis*

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## Docketing Event

- Bankruptcy > Motions/Applications/Objections > Application to Proceed *in Forma Pauperis*/Have the Chapter 7 Filing Fee Waived
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**Negative Notice:** N/A

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**Accompanying Orders:** N/A

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## Code and Rule References

[28 U.S.C. § 1930\(b\), \(c\), and \(f\)](#)

[Fed. R. Bankr. P. 1006\(c\)](#)

[Fed. R. Bankr. P. 9011\(a\)](#)

[Official Form B103B \(Application to Have the Chapter 7 Filing Fee Waived\)](#)

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**Fee:** N/A

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**Applicable Chapters:** 7

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**Implemented:** 2/9/2016

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**Last Revision:** 9/9/2020 10:05:02 AM

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## Description

The Court may waive the filing fee in a voluntary Chapter 7 case if the Court determines that: (1) the debtor's income is less than 150% of the official poverty line applicable to the debtor's family size, as determined by the U.S. Department of Health and Human Services; and (2) the debtor is unable to pay the filing fee in full or in installments.

A Chapter 7 debtor may file an application for the waiver of the filing fee or to proceed *in forma pauperis* at the commencement of the case or upon conversion to a Chapter 7 case (to address any unpaid filing fees). If the application is approved, any other fees scheduled by the Judicial Conference under 28 U.S.C. § 1930(b) and (c) are also waived.

- ❖ **Note:** The Court may vacate or revoke an order waiving the filing fee if developments in the case or the administration of the estate demonstrate that the waiver was unwarranted.
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## Filing Checklist

Review the application to determine if:

- The current official form was used: Application to Have the Chapter 7 Filing Fee Waived ([Official Form B103B](#));
- Application was signed;
- Application is complete;
- Application is filed in a Chapter 7 case;
- The filing fee was not already paid in full; and
- The monthly income is below the poverty line.
  - ❖ **Note:** Using the number of family members (Item 1 under part 1 of the application) and the amount in the "your families average monthly net income line" (Item 2 under part 1 of the application) to compare to the "Monthly Basis" portion of the

[Poverty Guidelines](#) chart (the top portion) on the Court's Website (under Filing Without an Attorney – References/Resources) to determine if the monthly income for the family size is above or below the poverty line.