

Case Opening – Chapter 7, 11, 12, and 13

Docketing Event

- Bankruptcy>Open New Bankruptcy Case
 - Bankruptcy>Case Upload
 - Bankruptcy>Miscellaneous>Statement of Debtors Social Security Numbers
 - Bankruptcy>Miscellaneous>Certificate of Credit Counseling
 - Bankruptcy>Miscellaneous>Statement of Corporate Ownership
 - Bankruptcy>Plans, Disclosure Statements, and Related Matters>Chapter 12 Plan (Original plan only)
 - Bankruptcy>Plans, Disclosure Statements, and Related Matters>Chapter 13 Plan (Original plan only)
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Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

11 U.S.C. § 109	Fed. R. Bankr. P. 1005
11 U.S.C. § 110	Fed. R. Bankr. P. 1006
11 U.S.C. § 301	Fed. R. Bankr. P. 1007
11 U.S.C. § 302	Fed. R. Bankr. P. 1008
11 U.S.C. § 329	Fed. R. Bankr. P. 2003
11 U.S.C. § 341	Fed. R. Bankr. P. 2016
11 U.S.C. § 342	Fed. R. Bankr. P. 9009
11 U.S.C. § 362	Local Rule 1007-1 and 2
11 U.S.C. § 521	Local Rule 1074-1
28 U.S.C. § 1930	Local Rule 2090-1
Fed. R. Bankr. P. 1002	Local Rule 5005-1

Fee: \$335 (Chapter 7)
\$275 (Chapter 12)
\$1717 (Chapter 11)
\$313 (Chapter 13)

Applicable Chapters: 7, 11, 12, 13

Implemented: 2/9/16

Last Revision: 4/13/2018 1:51:20 PM

Description

A voluntary bankruptcy case is commenced by the filing of a petition under Chapters 7, 9, 11, 12, 13, or 15 of the Bankruptcy Code. 11 U.S.C § 109 provides information on who may be a debtor under each Chapter.

In Chapter 7 cases, individuals, partnerships, and corporations may be a debtor with some limitations outlined in the Bankruptcy Code. Chapter 12 cases are specifically for a family farmer or fisherman with regular income as defined in the Bankruptcy Code. The debtor may be an individual, partnership, or corporation. Chapter 11 cases allow businesses or individuals to liquidate or reorganize their financial situation. Chapter 13 cases allow individual wage earners receiving regular income to reorganize their finances. A complete list of exceptions is included in

11 U.S.C § 109(b). Married individuals may file jointly. New bankruptcy cases are filed both electronically via CM/ECF and in paper for *pro se* filers.

Filing Checklist

Confirm use of the correct and most recent Official Form for all papers.

1. Review petition to determine if:

- Debtor/s name is spelled correctly and all aliases are listed;
- Debtor/s mailing address is complete and accurate;
- The attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF ;
- All prior cases are listed;
- The correct type of bankruptcy is selected;
- Debtor/s, attorney, and petition preparer (if applicable) signed petition;
- Individual debtor/s social security number is correct and redacted on the voluntary petition; and
- Non-individual debtor's employer identification number (EIN) is complete on the voluntary petition.
- Filed by a debtor in paper, ensure the debtor's phone number is included.

2. File a Statement of Social Security Number [[Official Form B121](#)] for individual debtors ensuring the debtor/s full social security number is accurately reflected and debtor/s have signed.

3. File Certificate of Credit Counseling, reflecting that the individual debtor took the court before filing the case.

4. Pay filing fee or, if it is a Chapter 7 case, file an (A) Application for Payment of Filing Fees in Installments, or (B) Application for Waiver of the Chapter 7 Filing Fee. [[Official Forms B103A](#) and [B103B](#)].

❖ **NOTE:** Parties may not pay Chapter 13 fees through a Chapter 13 Plan.

5. Prepare and file Schedules, Summary of Schedules, Statement of Financial Affairs, Statement of Intentions, Statement of Current Monthly Income and Means Test Calculations [[Official Forms B122A-1](#) and [B122A-2](#)], and Disclosure of Compensation by an Attorney or Bankruptcy Petition Preparer, within 14 days.

- Prepare and file Corporate Ownership Statement if debtor is a corporation.
- If a Chapter 12 or 13 case, prepare and file a Chapter 12 or 13 Plan.

6. If the debtor is a health care business, review procedure on Health Care Cases – Patient Ombudsman.