

Case Opening – Chapter 7, 11, 12 and 13

Docketing Events

Bankruptcy/Open New Bankruptcy Case
Statement of Debtors Social Security Numbers
Certificate of Credit Counseling
Statement of Corporate Ownership

Negative Notice: N/A

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

Code and Rule References

[11 U.S.C. § 109](#)
[11 U.S.C. § 110](#)
[11 U.S.C. § 301](#)
[11 U.S.C. § 302](#)
[11 U.S.C. § 329](#)
[11 U.S.C. § 342](#)
[11 U.S.C. § 362](#)
[11 U.S.C. § 521](#)
[28 U.S.C. § 1930](#)
[Fed. R. Bankr. P. 1002](#)
[Fed. R. Bankr. P. 1005](#)
[Fed. R. Bankr. P. 1006](#)
[Fed. R. Bankr. P. 1007](#)
[Fed. R. Bankr. P. 1008](#)
[Fed. R. Bankr. P. 2003](#)
[Fed. R. Bankr. P. 2016](#)
[Fed. R. Bankr. P. 9009](#)
[Local Rule 1007-1](#) and [2](#)
[Local Rule 1074-1](#)
[Local Rule 2090-1](#)
[Local Rule 5005-1](#), [2](#), and [3](#)

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, such as railroads, domestic insurance companies, banks and savings and loans. Chapter 12 cases are specifically for family farmers or fisherman as defined in the Bankruptcy Code, with regular income. The debtor may be an individual, partnership or corporations. Married individuals may file jointly. Chapter 11 cases allow business or individuals to liquidate or reorganize their financial situation. Chapter 13 allows 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, i.e. Chapter 7, 11, 12, or 13;
- 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.

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.

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 Form B122A-1, 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.