

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

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### Docketing Event

- Bankruptcy>Open a BK Case
  - Bankruptcy>Case Upload
  - Bankruptcy>Miscellaneous>Statement About Your 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)
  - Bankruptcy>Miscellaneous>Certificate or Resolution Authorizing Filing of Bankruptcy Petition (**Note: Use for corporate or non-individual Chapter 7, 11, and 12 cases.**)
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**Negative Notice:** N/A

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**Accompanying Orders:** N/A

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### Code and Rule References:

[11 U.S.C. § 109](#)

[11 U.S.C. § 521](#)

[Fed. R. Bankr. P. 2016](#)

[11 U.S.C. § 110](#)

[28 U.S.C. § 1930](#)

[Fed. R. Bankr. P. 9009](#)

[11 U.S.C. § 301](#)

[Fed. R. Bankr. P. 1002](#)

[Local Rule 1007-1](#) and [2](#)

[11 U.S.C. § 302](#)

[Fed. R. Bankr. P. 1005](#)

[Local Rule 1074-1](#)

[11 U.S.C. § 329](#)

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

[Local Rule 2090-1](#)

[11 U.S.C. § 341](#)

[Fed. R. Bankr. P. 1007](#)

[Local Rule 5005-1](#)

[11 U.S.C. § 342](#)

[Fed. R. Bankr. P. 1008](#)

[11 U.S.C. § 362](#)

[Fed. R. Bankr. P. 2003](#)

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**Fee:** \$338 (Chapter 7)  
\$278 (Chapter 12)  
\$1738 (Chapter 11)  
\$313 (Chapter 13)

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**Applicable Chapters:** 7, 11, 12, 13

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**Implemented:** 2/9/16

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**Last Revision:** 9/18/2023

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### 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.

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### **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 About Your 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 a 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.
    - ❖ **NOTE:** A Chapter 7 corporate debtor is not required to complete a Means Test Calculation.
6. If the debtor is a health care business, review procedure on [Health Care Cases – Patient Ombudsman](#).
7. If a Chapter 7, 11, or 12 case and the Debtor is a corporation or other non-individual person, review [Local Rule 1074-1\(b\)](#).

8. For all represented debtor's, the debtor's attorney must upload the names and addresses of the debtor's creditors via CM/ECF.

- ❖ **Note:** Unrepresented debtor's must submit a master mailing matrix with the bankruptcy petition listing the names and addresses of the debtor/s creditors. The matrix must be provided in a computer-readable format.

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## **Forms**

[Sample Chapter 11 Certificate of Authorization to File Bankruptcy Petition](#) (**Note:** Use for Corporate or Non-Individual Chapter 7, 11, and 12 Cases)