

# GUIDELINES & REQUIREMENTS TO ASSIST *PRO SE* DEBTORS



## WARNING!

### **DO NOT FILE A BANKRUPTCY CASE WITHOUT A BUDGET AND CREDIT COUNSELING CERTIFICATE [Please read the entire document]**

The new Bankruptcy law requires that before an individual files a bankruptcy case, the individual **must**:

- Receive a credit counseling briefing during the 180 days **before** filing the case and
- File a credit counseling certificate from the agency **with** the petition.

If you do not receive the briefing and file the certificate **with** the petition, your case may be dismissed.

If your case is dismissed:

- You will lose the filing fee
- Your creditors will be able to resume collection activities against you

If you later file another bankruptcy case after the dismissal:

- You will have to pay a second filing fee
- You may have to take extra steps to stop creditors collection activities, and
- The automatic stay terminates after 30 days unless the court grants a motion for extension of the stay

For a list of approved Credit Counseling Agencies please visit our website at [www.ctb.uscourts.gov](http://www.ctb.uscourts.gov) for a link to the U.S. Trustee website or to request a listing from the clerk's office.

### **Description and Filing Requirements for Chapters 7, 11 and 13 below:**

#### **Chapter 7 - "Liquidation"**

A chapter 7 case is the liquidation or selling off of your non-exempt property for payment to your creditors from the proceeds.

#### **Chapter 7 Filing Requirements**

An original of the following is required when filing a chapter 7:

- **\*Voluntary Petition**
- Statement of Social Security Number (*B21 form*)
- Certificate of Credit Counselling
- **\*Exhibit D**
- **\*Filing fee or**
- Application to pay filing in Installments or
- Motion to waive the filing fee
- Schedules A through J
- **\*List of Creditors-Mailing Matrix**
- Statement of Financial Affairs

- Statement of Intention (Individual)
- Statement of Current Monthly Income and Means Test Calculation
- Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer — when appropriate

\* **Indicates the minimum documents required to initiate a bankruptcy case.**

### **Chapter 13 - “Wage Earner Plan”**

A chapter 13 case provides you the opportunity to restructure your debts through a payment plan which lasts between three to five years.

### **Chapter 13 Filing Requirements**

An original of the following is required when filing a chapter 13:

- **\*Voluntary Petition**
- Statement of Social Security Number (*form B21*)
- **\*Exhibit D**
- Certificate of Credit Counselling
- **\*Filing Fee** or  
**Application to pay filing in Installments**
- Schedules A through J
- **\*List of Creditors - Mailing Matrix**
- Statement of Financial Affairs
- Statement of Intention (individual)
- Statement of Current Monthly Income
- Chapter 13 plan
- Declaration and signature of non-attorney Bankruptcy Preparer - when appropriate
- **\*Indicates the minimum documents required to initiate a bankruptcy case.**

### **Appropriate Courtroom Attire & Conduct**

All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court.

### **Minimum Requirements to Initiate Bankruptcy Case;**

#### **Notice of Possible Dismissal of Your Case**

Under the "Filing Requirements" for each chapter in this pamphlet, the asterisk at the noted bullet items identify the minimum requirements to initiate a bankruptcy case. You must file these asterisked items to initiate your bankruptcy case. You will be issued a Notice of Possible Dismissal if any of the provisions set forth in each of the Chapter "Filing Requirements" are not received at the time of filing, except as specifically stated below.

The Notice provides that if you are an "individual" debtor, you have five business days from the date the petition is filed to file your Statement of Social Security Number(s) (b21 form) and your Mailing Matrix. You have 14 days to file your Schedules and Statement of Financial Affairs and Statement of Monthly Income/Mean Test. In a chapter 13 case, you have 14 days to file the chapter 13 plan.

### **Filing Fees**

The filing fee for each chapter is due at the time of filing. If you are an individual and are unable to pay the full fee at the time of filing, you may file an Application to Pay Installments. This does not apply to business debtors.

If you are a chapter 7 individual debtor, you also have the option to file an Application to Waive the filing fee.

**Please view fee schedule for current fees**

## Chapter 11 - "Reorganization"

A chapter 11 case provides you the opportunity to reorganize or readjust debts through a plan or contract with creditors. Creditors are allowed to vote on the plan and the plan must be approved by the Court. Individuals and most businesses can file a petition under chapter 11

### Chapter 11 Filing Requirements

An original of the following is required when filing a chapter 11:

- **\*Voluntary Petition**
- Statement of Social Security Number (*B21 form*)
- **\*Exhibit D (if individual)**
- Certificate of Credit Counselling (if individual)
- **\*Corporate Resolution** (corporations only)
- **\*Corporate Ownership Statement**(corporations only)
- **\*Filing fee**
- Schedules A through J
- List of Creditors - Mailing Matrix
- **\*List of Creditors Holding 20 Largest Unsecured Claims**
- Small Business: Balance Sheet, Statement of Operations, Cash-flow Statement,
- Statement of Financial Affairs
- Statement of Current Monthly Income (*only if individual*)
- Disclosure Statement of attorney/Bankruptcy Petition Preparer
- Record of any interest in Education, Individual Retirement Account or State Tuition Program Certificate of Credit Counselling and Debt Repayment Plan
- Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer — when appropriate

**\*Indicates the minimum documents required to initiate a bankruptcy case.**

The U.S. Bankruptcy Court accepts cash, money orders, cashier's and travellers's checks. Personal checks from the debtor, two-party checks, and post-dated checks will not be accepted.

### Meeting of Creditors

The location, date and time of the meeting of creditors (341 Meeting) will be mailed to you after your bankruptcy petition is filed. Please read your notice carefully to determine the location, date and time of your 341 Meeting. Please note, it is mandatory that you attend this meeting of creditors and any continuations of such meetings.

Your creditors will be notified by the U.S. Bankruptcy Court Clerk's Office of the location, date and time scheduled for your 341 Meeting by mail or by a specified type of electronic transmission.

### Official Forms & Petition Preparation

The U. S. Bankruptcy Court Clerk's Office does not supply the official forms required for filing bankruptcy. You may purchase the forms from a local office supply store or download applicable forms from the court's website at: [www.ctb.uscourts.gov](http://www.ctb.uscourts.gov) If someone other than an attorney assists you with the preparation of the bankruptcy forms, you must disclose the name of the preparer on the petition.

You may be required to present photo identification when entering the courthouse and must provide a daytime phone number on your petition. Photo identification is required at the Meeting of Creditors, along with verification of your social security number.

### Protecting Your Social Security Number

Effective December 1, 2003, individuals filing bankruptcy will place only the last four digits of their social security number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate Statement of Social Security Number (s), Official Form 21, in which their full Social Security Number is given. This Statement of Social Security Number (s) is not part

of the public record and will not be available to the public. Official Form 21 is available on the Court's website at: [www.ctb.uscourts.gov](http://www.ctb.uscourts.gov) by clicking on the *Bankruptcy Forms* icon.

#### **Legal Advice & Resources**

The U. S. Bankruptcy Court Clerk's Office is not permitted to assist you with preparing your petition, schedules, or other documents. Nor is the Clerk's Office permitted to provide you with legal advice. Your local library has law books that may be of assistance to you. The Local Bankruptcy Rules for the District of Connecticut has information on the various chapters in bankruptcy and are available in the Clerk's Office. The local rules and forms are also available on the Court's website at: [www.ctb.uscourts.gov](http://www.ctb.uscourts.gov)

The information contained in this brochure is intended to answer common questions from Pro Se debtors and is not to be interpreted as legal advice. This information is subject to change without notice.

**Gary M. Gfeller**  
**Clerk of Court**