

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

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MEMORANDUM

TO: Hon. John D. Bates, Chair
Committee on Rules of Practice and Procedure

FROM: Hon. Rebecca B. Connelly, Chair
Advisory Committee on Bankruptcy Rules

RE: Report of the Advisory Committee on Bankruptcy Rules

DATE: December 4, 2024

I. Introduction

The Advisory Committee on Bankruptcy Rules met in Washington, D.C., on September 12, 2024. Three Committee members attended remotely; the rest of the Committee met in person. The draft minutes of that meeting are attached.

At the meeting the Advisory Committee voted to seek publication for comment of proposed amendments to Bankruptcy Rule 2002(o) (Notices) and Official Bankruptcy Form 101 (Voluntary Petition for Individuals Filing for Bankruptcy).

Part II of this report presents those action items.

Part III of this report presents four information items. The first is a report on a suggestion regarding social-security-number redactions from public court filings. The second deals with a suggestion to propose a rule requiring random assignment of mega bankruptcy cases within a particular district. The third concerns a suggestion to allow appointment of masters in bankruptcy cases and proceedings. The fourth relates to a proposed amendment to Official Form 318 and Director's Forms 3180W and 3180WH dealing with unclaimed funds.

II. Action Items

Items for Publication

The Advisory Committee recommends that the following rule and form amendments be published for public comment in August 2025. Bankruptcy Appendix B includes the rule and form that are in this group.

Action Item 1. Rule 2002 (Notices). The first sentence of Rule 2002(o) currently reads: “The caption of a notice given under this Rule 2002 must conform to Rule 1005.” The clerk of court for the Bankruptcy Court for the District of Minnesota submitted a suggestion—in which clerks for 8 other bankruptcy courts in the Eighth Circuit joined—that this rule be amended to eliminate the requirement that the caption of every notice given under Rule 2002 comply with Rule 1005. The Bankruptcy Clerks Advisory Group submitted a second suggestion supporting the first one.

Rule 1005 specifies the information that the caption of a bankruptcy petition must contain. Five items of information about the debtor are required, including “the last 4 digits of the social-security number or individual taxpayer identification number.” If someone other than the debtor files the petition, the rule also requires that the caption include “all names that the petitioner knows have been used by the debtor.”

The clerks of court state that the caption requirements “are substantial and can add a significant amount of length, and therefore cost, to a Rule 2002 notice.” They also note that, despite the requirements of Rule 2002(n), the “general long-standing practice for the bankruptcy courts in the Eighth Circuit is to only provide the Rule 1005 caption requirements on the Notice of Bankruptcy Case [Official Forms 309A-309I].” Thereafter, the clerk's office uses a shorter caption that “generally follows Official Form 416B.” Official Form 416B includes a caption setting forth the court's name, the debtor's name, the case number, the chapter under which the case was filed, and a brief designation of the document's character.

At the request of the Advisory Committee, the Federal Judicial Center surveyed bankruptcy clerks regarding the suggestion, and they overwhelmingly supported eliminating the requirement of a full Rule 1005 caption for all notices under Rule 2002. Members of the Advisory Committee also favored reducing the number of documents containing the last 4 digits of the debtor's social security number.

Accordingly, the Advisory Committee approved for publication a proposed amendment to Rule 2002(o) that would provide that the caption of a notice given under Rule 2002 must include

the information that Official Form 416B requires. The caption of a debtor's notice to a creditor would continue to also require inclusion of the information that § 342(c) requires.

The Advisory Committee recommends that the amended Rule 2002(o) be published for public comment.

Action Item 2. Official Form 101 (Voluntary Petition for Individuals Filing for Bankruptcy). The Advisory Committee received a suggestion from the clerk of court for the Bankruptcy Court for the District of Maryland. He suggested a modification of the prompt for Question 4 in Part 1 of Official Form 101. Currently the question asks for "Your Employer Identification Number (EIN), if any." Some pro se debtors are providing the employer identification number of their employers, not realizing that the question is attempting to elicit the EIN of the individual filing for bankruptcy if that individual is himself or herself an employer. Because multiple debtors who have the same employer may file and list that employer's EIN, the CM/ECF monitoring for repeat filings triggers a report erroneously suggesting that the debtor is not eligible because of prior filings. The proposed amendment would modify the language to read as follows:

"EIN (Employer Identification Number) issued to you, if any.

Do NOT list the EIN of any separate legal entity such as your employer, a corporation, partnership, or LLC that is not filing this petition."

The Advisory Committee approved the proposed amendment for publication for public comment.

III. Information Items

Information Item 1. Suggestion to Remove Redacted Social Security Numbers from Filed Documents. Senator Ron Wyden of Oregon sent a letter to The Chief Justice of the United States in August 2022, in which he suggested that federal court filings should be "scrubbed of personal information before they are publicly available." Portions of this letter, suggesting that the Rules Committees reconsider a proposal to redact the entire social security number ("SSN") from court filings, have been filed as a suggestion with each of the Rules Committees.

The Advisory Committee worked with the Federal Judicial Center to survey debtor attorneys; chapter 7, 12, and 13 trustees; creditor attorneys; various tax authorities; and representatives of the National Association of Attorneys General about whether bankruptcy forms that currently require inclusion of the debtor's redacted SSN should continue to do so. Concurrently, reactions from bankruptcy clerks of court on the issue were obtained.

Meanwhile, the Committee on Court Administration and Case Management of the Judicial Conference of the United States ("CACM") requested the Federal Judicial Center ("FJC") to design and conduct studies regarding the inclusion of sensitive personal information in court filings and in social security and immigration opinions that would update the 2015 FJC privacy study and

gather information about compliance with privacy rules and the extent of unredacted SSNs in court filings. That study was completed in April 2024.

After reviewing the privacy study and the results on the surveys, the Advisory Committee decided to take no action on Senator Wyden’s suggestion for three reasons.

First, as far as the Advisory Committee knows, there is no demonstrated problem of SSN fraud stemming from the disclosure of either full or truncated SSN in bankruptcy filings. Senator Wyden pointed to the last FJC report on protecting privacy and noted that full SSNs have been disclosed in court filings (including in bankruptcy court filings). But he provided no evidence that these disclosures have in fact led to “identity theft, stalking or other harms” about which he is concerned. Moreover, the FJC’s 2024 Privacy Study indicates the disclosure of full SSNs in bankruptcy filings is very low—approximately 0.1% of the filings checked. Even if the Advisory Committee recommended modifications to the rules and forms to eliminate redacted SSNs from most bankruptcy court filings, mistakes would be made (as they are today). The bankruptcy clerks and courts cannot guarantee that any rules would be followed, especially in connection with proofs of claim where most of the errors are made. As the 2024 Privacy Study pointed out, although there are very few disclosures of full SSNs in filed bankruptcy documents, the vast majority of such disclosures that do occur appear to violate the existing privacy rules. The various rules committees have consistently tried to limit disclosure of personally identifiable information in filed documents to the redacted SSN in an effort to protect the privacy of debtors. The Standing Committee in the past has declined to go beyond the current requirements, and although the suggestion is well-meant, it may not be addressing a real-world problem.

Second, with respect to every form that now includes a truncated SSN, the surveys indicate that a significant number of bankruptcy specialists oppose the idea of removing that information from the form. Comments suggest that the truncated SSN continues to be an important piece of information needed by some parties to distinguish debtors with similar or identical names. Perhaps over time those parties will become less reliant on inclusion of the truncated SSN on some of the forms, but it seems unwise to pursue changes that are both unnecessary and potentially detrimental.

Third, there are other ways to address the very valid concerns expressed in the suggestion. It is clear from the 2024 Privacy Study that significant progress has been made since the last survey in protecting SSNs from disclosure, and it is anticipated that such progress will continue. For example, the proposed amendment to Bankruptcy Rule 2002(o) discussed above at Action Item 1 would eliminate the use of a caption on most Rule 2002 notices that currently include the redacted SSN and replace it with a caption that does not include that information. If adopted, this change should decrease the number of filed documents with the truncated SSN.

For these reasons, the Advisory Committee decided to take no action on the suggestion at this time, but it will continue to monitor discussions and developments in the other advisory committees.

Information Item 2. Suggestion to Propose a Rule Requiring Random Assignment of Mega Bankruptcy Cases Within a District. A group of nine individuals and one organization,

calling itself the Creditor Rights Coalition, has submitted a suggestion requesting the promulgation of a new Bankruptcy Rule “requiring random assignment of all mega bankruptcy cases to all bankruptcy judges within a particular district.” Such a rule would prohibit the practice of some districts of assigning large bankruptcy cases to a member of a pre-selected panel of judges or limiting assignment to the judge or judges sitting within the division where the case was filed. The suggestion posits that “[l]ocal judicial assignment rules that concentrate mega bankruptcy cases within a district to small subsets of bankruptcy judges undermine public confidence in the Chapter 11 system.”

The Advisory Committee tabled consideration of this suggestion pending consideration of a similar issue by the Committee on the Administration of the Bankruptcy System.

Information Item 3. Suggestions to Allow Appointment of Masters in Bankruptcy Cases and Proceedings. Rule 9031 provides: “Fed. R. Civ. P. 53 does not apply in a bankruptcy case.” As declared by its title, the effect of this rule is that “Using Masters [Is] Not Authorized” in bankruptcy cases. Since the rule’s promulgation in 1983, the Advisory Committee has been asked on several occasions to propose an amendment to the rule allowing the appointment of masters in certain circumstances, but each time the Advisory Committee has decided not to do so. Now two new suggestions to amend Rule 9031 have been submitted to the Advisory Committee by Chief Bankruptcy Judge Michael B. Kaplan of the District of New Jersey and by the American Bar Association (“ABA”).

At its spring 2024 meeting, the Advisory Committee directed the Business Subcommittee to gather more information before making a recommendation. Specifically, it was agreed that a survey of bankruptcy judges should be undertaken to learn whether the judges thought the rules should allow masters to be used in bankruptcy cases and in what circumstances, if any, they had ever needed such assistance.

Dr. Carly Giffin of the Federal Judicial Center has conducted some preliminary interviews and is assisting the Advisory Committee in devising a survey to go to the bankruptcy judges and potentially a broader group to share with the Advisory Committee. The Advisory Committee will also consider the issue of whether bankruptcy judges have the authority to appoint special masters.

Information Item 4. Recommendation Concerning Proposed Amendment to Official Form 318 (Discharge of Debtor in a Chapter 7 Case) and Director’s Forms 3180W (Chapter 13 Discharge) and 3180WH (Chapter 13 Hardship Discharge). Dana C. McWay, Chair of the Administrative Office of the U.S. Courts’ Unclaimed Funds Expert Panel, suggested that language be added to the form Order of Discharge used in Chapter 7 and Chapter 13 cases notifying recipients that unclaimed funds may be available and suggesting that they check the Unclaimed Funds Locator to ascertain whether they are entitled to any.

The Advisory Committee declined to take action on this suggestion for several reasons.

First, although it is true that the Order of Discharge must be mailed by the clerk under Bankruptcy Rule 4004(g) to all creditors, the Advisory Committee does not believe that the order

is an appropriate vehicle for notices about unclaimed funds. The existence of unclaimed funds has nothing to do with discharge, and the Advisory Committee believes that the discharge order should be kept free of extraneous matter.

Second, often courts do not receive unclaimed funds until months after the discharge order is issued, so even if a creditor saw the notice and immediately communicated with the clerk's office, the clerk would only be able to tell the creditor to check back later.

Third, if the reason that the funds are unclaimed is that the creditor has failed to update its address, the discharge order will be sent to the same erroneous address and therefore will not reach the creditor with a right to the funds.

Fourth, including this notice in the discharge order may encourage fraudulent claims by creditors who are not entitled to the funds. Such fraudulent claims seem to be increasing, and having the notice in the discharge order might encourage creditors to "try their luck" in securing unclaimed funds.

Finally, including that statement in the explanation of the nature of a bankruptcy discharge in the discharge order, which was drafted more for debtors than for creditors, could confuse debtors who might think that there is leftover money that belongs to them.

Although the Advisory Committee is sympathetic to the goals of the Unclaimed Funds Expert Panel, it does not believe this is the appropriate approach, and it therefore declined to take action on the suggestion.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 Rule 2002. Notices

* * * * *

3 **(o) Caption.** The caption of a notice given under this
4 Rule 2002 must ~~conform to Rule 1005~~ include the
5 information that Form 416B requires. The caption of
6 a debtor's notice to a creditor must also include the
7 information that § 342(c) requires.

* * * * *

9 Committee Note

10 The amendment to Rule 2002(o) eliminates the
11 requirement that all notices given under Rule 2002 include
12 the caption required for the bankruptcy petition under
13 Rule 1005. That caption requires, among other things, the
14 debtor's employer-identification number, last four digits of
15 the debtor's social security number or individual debtor's
16 taxpayer-identification number, any other federal taxpayer-
17 identification number, and all other names used within eight
18 years before filing the petition. Instead, most Rule 2002
19 notices may use the caption described in Official
20 Form 416B, which requires only the court's name, the name

¹ New material is underlined in red; matter to be omitted is lined through.

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

21 of the debtor, the case number, the chapter under which the
22 case was filed, and a brief description of the document's
23 character. Rule 2002 notices sent by the debtor must also
24 include the information that § 342(c) of the Code requires.
25 The notice of the meeting of creditors, Rule 2002(a)(1), will
26 continue to include all information required by Official
27 Forms 309(A-I).

Fill in this information to identify your case:

United States Bankruptcy Court for the:

_____ District of _____
(State)

Case number (if known): _____ Chapter you are filing under:

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/26

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name Write the name that is on your government-issued picture identification (for example, your driver's license or passport). Bring your picture identification to your meeting with the trustee.	First name _____ Middle name _____ Last name _____ Suffix (Sr., Jr., II, III) _____	First name _____ Middle name _____ Last name _____ Suffix (Sr., Jr., II, III) _____
2. All other names you have used in the last 8 years Include your married or maiden names and any assumed, trade names and <i>doing business as</i> names. Do NOT list the name of any separate legal entity such as a corporation, partnership, or LLC that is not filing this petition.	First name _____ Middle name _____ Last name _____ First name _____ Middle name _____ Last name _____ Business name (if applicable) _____ Business name (if applicable) _____	First name _____ Middle name _____ Last name _____ First name _____ Middle name _____ Last name _____ Business name (if applicable) _____ Business name (if applicable) _____
3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)	XXX — XX — _____ OR 9 XX — XX — _____	XXX — XX — _____ OR 9 XX — XX — _____

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

About Debtor 1:**About Debtor 2 (Spouse Only in a Joint Case):****4. EIN (Employer Identification Number) issued to you, if any.**

Do NOT list the EIN of any separate legal entity such as your employer, a corporation, partnership, or LLC that is not filing this petition.

EIN _____

EIN _____

EIN _____

EIN _____

5. Where you live

Number _____ Street _____

City _____ State _____ ZIP Code _____

County _____

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number _____ Street _____

P.O. Box _____

City _____ State _____ ZIP Code _____

If Debtor 2 lives at a different address:

Number _____ Street _____

City _____ State _____ ZIP Code _____

County _____

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number _____ Street _____

P.O. Box _____

City _____ State _____ ZIP Code _____

6. Why you are choosing this district to file for bankruptcy*Check one:*

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

Part 2: Tell the Court About Your Bankruptcy Case**7. The chapter of the Bankruptcy Code you are choosing to file under**

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13

8. How you will pay the fee

- ☐ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

- ☐ No
- ☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY
- District _____ When _____ Case number _____
MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

- ☐ No
- ☐ Yes. Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY
- Debtor _____ Relationship to you _____
District _____ When _____ Case number, if known _____
MM / DD / YYYY

11. Do you rent your residence?

- ☐ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

Part 3: Report About Any Businesses You Own as a Sole Proprietor**12. Are you a sole proprietor of any full- or part-time business?**

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

☐ No. Go to Part 4.☐ Yes. Name and location of business

Name of business, if any

Number Street

City

State

ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))☐ None of the above**13. Are you filing under Chapter 11 of the Bankruptcy Code, and are you a small business debtor?**

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☐ No. I am not filing under Chapter 11.☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.☐ Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.☐ Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

☐ No☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number

Street

City

State

ZIP Code

Debtor 1

First Name Middle Name Last Name

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

Part 6: Answer These Questions for Reporting Purposes**16. What kind of debts do you have?**

16a. **Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☐ No. Go to line 16b.
☐ Yes. Go to line 17.

16b. **Are your debts primarily business debts?** *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.
☐ Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.

17. Are you filing under Chapter 7?

☐ No. I am not filing under Chapter 7. Go to line 18.

☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?

- ☐ No
☐ Yes

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

18. How many creditors do you estimate that you owe?

- ☐ 1-49
☐ 50-99
☐ 100-199
☐ 200-999

- ☐ 1,000-5,000
☐ 5,001-10,000
☐ 10,001-25,000

- ☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

19. How much do you estimate your assets to be worth?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☐ \$500,001-\$1 million

- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million

- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

20. How much do you estimate your liabilities to be?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☐ \$500,001-\$1 million

- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million

- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

Appendix: Bankruptcy Rule & Form for Publication

Debtor 1

First Name Middle Name Last Name

Case number (if known)

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

X

Signature of Debtor 1

Executed on MM / DD / YYYY

X

Signature of Debtor 2

Executed on MM / DD / YYYY

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X

Signature of Attorney for Debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned.

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

☐ No

☐ Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned?

☐ No

☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

☐ No

☐ Yes. Name of Person _____.

Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

X

Signature of Debtor 1

Date

MM / DD / YYYY

Contact phone

Cell phone

Email address

X

Signature of Debtor 2

Date

MM / DD / YYYY

Contact phone

Cell phone

Email address

Official Form 101 (Committee Note) (12/26)

Committee Note

Question 4 has been amended to make it clear that only debtors who themselves have an employer identification number (EIN) should list it; they should not include the EIN of their employer or any other entity not filing the petition.